STUDIES IN MADRAS ADMINISTRATION

VOLUME I.

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VOLUME I

BY

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GOVERNMENT OF MADRAS
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PREFATORY NOTE

The "Studies in Madras Administration" by the late Dr. B. S. Baliga, Curator, Madras Record Office, were first printed in 1949 in two volumes for official use. They contained a number of notes written by him on several subjects referred to him from time to time for elucidation in the light of the information available in the records. As only a limited number of copies of the two volumes were printed, they were soon exhausted. It was therefore decided by the Government that a revised edition of the two volumes should be issued and that they should be published for the use of the general public. Accordingly the notes in the two volumes were revised and rearranged by Dr. Baliga. While doing so, he omitted a few of the old notes and added some new notes which he had prepared subsequent to 1949.

This is the first volume of the revised edition. It comprises among other things an interesting note on "Nationalism and Independence" which was published separately in 1958 in the form of a booklet for general information and was widely appreciated.

EGMORE
24th February 1960.

M. NATESAN,
Assistant Curator-in-charge,
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STUDIES IN MADRAS ADMINISTRATION

VOLUME I

NATIONALISM AND INDEPENDENCE IN MADRAS.

[Written in 1957 in connection with the Centenary Celebrations of the Freedom Struggle in India].

The dawn of nationalism in Madras began more than a century ago. It was heralded by a few intellectuals of this State who formed themselves into bodies like the Madras Native Association and the Madras Hindu Debating Society and who, evincing an ardent desire for administrative and political reforms, gradually won the sympathy and support of many people. As early as 1852, when the British Parliament was considering the question of the renewal of the East India Company's Charter, they sent a petition to the Parliament detailing the grievances of the people and pressed for the appointment of a Royal Commission to redress them. They also pressed for the appointment of the elected representatives of the people to the Imperial and Provincial Executive Councils. They repeated their demands in 1853 and, in stronger terms, in 1855 even after the passing of the Charter Act of 1853, which gave a fresh lease of life to the Company's administration. In their petition of 1855, which was discussed and approved at a public meeting held in Madras, they bitterly complained of the "unchecked career of misrule and oppression" of the Company's Government, demanded direct Government by the Crown and emphasised the imperative necessity of making that Government "constitutionally responsible to the people of the country". Their civilization and education, they said, eminently fitted them to take a proper share in the administration of their own country.

Then came the so called "Indian Mutiny" of 1857. It burst like a bombshell in Northern India causing widespread political and military upheavals. But in Madras it produced hardly any repercussions. The explanation for this is to be found in the fact that the people of this State showed no inclination to gain their political ends through violence. If they had any such inclination, they would doubtless have tried to make capital of the convulsions that were then shaking the very foundations of British rule. But they did no such thing. On the other hand, as will be presently shown, they sought to secure political reforms through peaceful and constitutional methods.

When, however, the disturbances broke out in Northern India, everything looked dark and gloomy to the Madras Government. They found that their military resources were quite inadequate to deal with any serious situation, having had then stationed most of their forces at Hyderabad, Nagpur and Mysore. They were afraid that at any moment Hyderabad and Nagpur might flare up, the

former because of its annexation made by Dalhousie in 1853. They were also afraid that in the Madras City itself the population, especially the Muslims, might give trouble because of the abolition of the Nawabship of the Carnatic, which had just then been made (1855). They were equally afraid that rebellions might be stirred up everywhere, and especially in the army, by disaffected persons and emissaries from Northern India. They, therefore, brought into operation the provisions of Act XIV of 1857 and invested the Sessions Judges of all districts with powers to try offences against the State.

But actually nothing serious took place either in the present, or in the former composite Madras State. Some copies of a proclamation and letters urging the Nizam and his minister to begin a holy war against the English were seized from some Muslims in Madras City. Some minor disturbances caused mostly by private disputes occurred in Rajahmundry and were easily suppressed. A green flag and a proclamation urging the slaughter of the English were seized from some Muslims in Masulipatam. A few bands of Rohillas crossed the Nizam's territory and attacked and plundered a couple of towns and villages in the Krishna, Cuddapah and Kurnool districts. A Moplah rising which was meditated in Malabar was nipped in the bud and a Maharashtra inroad which was made into Kanara was repelled. These were the only political repurcussions. Nor was there any, save one, military repercussion. As is well-known, in spite of its weakness in military resources, Madras sent out English as well as Indian troops to Northern India on a summons from Canning, the Governor-General. All these troops embarked without the least murmur and played no small part in the military operations in the north. One troop alone of the Madras Army, the 8th Light Native Cavalry, showed disaffection. On their march from Bangalore to Madras, from where it was intended to embark them, the men of this troop first manifested hesitation and finally absolutely refused to embark unless they were granted the old rates of pay and pension which had been altered in 1833. This troop was disbanded and its disaffection, it is clear, arose not from political but from mercenary considerations.

Throughout the course of the disturbances in Northern India, the people from almost all districts of this State, including the citizens of Madras, sent loyal addresses to the Government deploring and condemning the acts of violence committed in the north. Some even sent subscriptions unsought in aid of the relief of sufferers. But this loyalty to constituted authority did not by any means make them blind to their political advancement. They welcomed the abolition of the East India Company's rule and hailed the direct assumption of the Government of India by Queen Victoria. But they never lost sight of their main demand, namely, that of responsible government, and pressed for it whenever opportunities presented themselves. Thus, in 1859, when Trevelyan, the most popular Governor of Madras since Munro, was recalled by the

Secretary of State on account of his differences with the Government of India, they reiterated, in their farewell address presented to him (signed by more than 7,500 citizens), their insistent demand for responsible government. And the reply that he made must have given them some hopes and also some food for reflection. For, this is what he said: "You say that you had hoped to have seen under my administration the introduction of representative government. . . . . . My answer is—Qualify yourselves for representative institutions and they will be sure to come in good time. You are united under the common protection of the British Crown with a free people who have never grudged to others a participation in the political advantages which they themselves enjoy. The real delay is on your part. Cultivate the literature of England which is instinct with the spirit of self-government. Learn by our example how to work representative institutions, for this is by no means an easy task and several famous nations have failed in the attempt. Above all things, strive to attain to a high moral standard. Public morality, without which national government is impossible, is only the aggregate of each man's individual character. Truth, justice, scrupulous fidelity to engagements, habitual preference of public to private interests, are the qualities which elevate a nation and enable it to conduct its affairs with advantage."

But the wheels of Juggernaut rolled on and no sign of political reforms appeared anywhere on the horizon, though some attempts were made to foster local self-government institutions by the introduction of the Towns Improvement Acts of 1865 and 1871, the District Municipalities Act of 1884 and the Local Boards Acts of 1871 and 1884. These Acts created municipalities and local boards which contained, besides official members, at first a few of the nominated, and subsequently some of the elected members and entrusted to these institutions the management of local affairs such as sanitation, roads, schools, etc. It was hoped that they would provide ideal training grounds for statesmen and legislators in the larger spheres of responsible government. But the responsible government never came. The only thing that came therefore was political agitation.

This agitation was started with some vigour in Madras soon after the inception of the Indian National Congress (1885). By this time several newspapers in English as well as Indian languages had come into existence both in the city and in the districts and these became no mean instruments in the hands of nationalists. Thus in 1886, for instance, the Press began to criticise the current policies of the Government. It described the salt tax as "the most unjust and cruel of all the taxes imposed on the country." It assailed the income-tax and said that it should be imposed not on the Indians but on the English in England inasmuch as the revenue derived from it "was devoted to the benefit of the English in strengthening the defences of India in which they alone were interested." It advocated the imposition of high duties on English goods in order to protect and foster

Indian industries. It demanded the expenditure of not less than one-tenth of the Indian revenues on education. It attacked the conduct of several officers, including that of the Governor. It pressed for the representation of more Indians in the Provincial Legislative Council and for vesting that Council with complete control over the budget. And, among other things, it insisted on the reduction of salaries of European Civil Servants and on the recruitment of more and more Indians in the Civil Services and the army.

The very next year (1887) witnessed the Third Session of the Indian National Congress in Madras. It was presided over by the All-India leader Sri Bhadrudin Tayabji and its members from Madras included leaders like Sri T. Madhav Rao, Sri S. Subramania Ayyar, Sri Rungiah Naidu, Sri G. Subramania Ayyar, Sri Sabapathy Mudaliar, Sri S. A. Swaminatha Ayyar, Sri P. Somasundaram Chetty, Sri C. Vijayaraghavachariar, Mr. Eardley Norton and Mr. A. O. Hume. It passed a series of resolutions stressing the necessity for the expansion of the Imperial and Provincial Legislative Councils, for the separation of the judiciary from the executive, for the throwing open of higher grade posts in the army to Indians, for the establishment of a military academy in India, for the reduction in public expenditure, for the imposition of higher import duties on finer classes of cotton fabrics and for the introduction of a technical education system in India suited to her conditions and capable of reviving her indigenous industries. Nor is this all. It set up a machinery for carrying on national propaganda. It formed standing committees in all States and laid down that their primary duties should be "to promote the political education of the people," by distributing tracts and pamphlets, by holding public meetings, and by arranging important lectures "throughout the year." And it empowered these committees to form sub-committees in the districts.

Under the impulsion of this Congress propaganda both the press and the public became more and more national-minded and more and more critical of British administration. Newspapers like The Hindu and the Swadesamitran began to strongly criticise the actions of the Government. Bodies like the Madras Mahajana Sabha (established in 1884) commenced to propagate Congress views. And, about the same time, District Conferences came to be held annually in several districts presided over by eminent men like Sri P. S. Sivaswami Ayyar, Sri G. Subramania Ayyar and Sri V. P. Madhav Rao. These conferences organized by local leaders of all communities, Brahmins, Non-Brahmins and Muslims alike, discussed a large number of important matters, affecting the welfare of not only the district and the State but also the whole of India. The attainment of Swaraj (Responsible Government), the boycott of foreign cloth and foreign goods, the encouragement of swadeshi cloth and swadeshi goods, the establishment of swadeshi industries, the revival of panchayats and the eradication of the drink evil, all these loomed large in their

discussions. Their discussions also centred on subjects like the extension of franchise, the increase of elected members in the Legislature, the separation of the executive and the judiciary, the introduction of compulsory primary education, the reform of local administration, the establishment of co-operative societies and the prevention of Indian emigration to Natal, Transvaal and other places. All these subjects were precisely similar to the subjects discussed at the various sessions of the Indian National Congress.

The tone of the speeches made at these conferences was usually moderate, but at times it became extreme, eloquent and insistent, as when Sri G. Subramania Ayyar addressed the Second Tanjore District Conference in 1908. He spoke of the high-handed actions of the British Government, of their repressive measures, of the "summary deportation of some of our leaders", of the revival of "obsolete ordinances", of the prohibition of public meetings, of the "crusade against our swadeshi efforts" and of the "persistent misrepresentation of the Anglo-Indian press." He insisted on unity in the ranks of the Congress and deplored the split that had occurred between the moderates and the extremists at its Surat Session. He exhorted all parties to work together for the common cause for achieving the four articles of the Indian political creed, namely, swadeshi, boycott of foreign goods, national education and swaraj.

The resolutions passed by these conferences were generally forwarded to the Government, but the Government hardly took any notice of them. There is, however, evidence to show that the leaders of these conferences knew only too well that the Government would be indifferent. Their main object was to rouse the political consciousness of the people and this they seem to have done in some measure through the delegates and others who attended the conferences and through the publicity given to their proceedings in the press. As may be expected, some dissentient voices belittled these conferences. Some questioned the motives behind their organizers and described the whole movement as one engineered by the Brahmins for their own benefit. Some others again made out that the people were entirely unconcerned about politics.

These criticisms failed to take note of the increasing influence of nationalism over all classes, including the Non-Brahmins. For, it was at this time that national resentment against the British rose high and led to the assassination of Mr. Ashe, the Collector of Tirunelveli. It was at this time that some of the nationalists, under the inspiration of Sri V. O. Chidambaram Pillai, started the first big national enterprise of its kind, namely, the Indian Steam Navigation Company. It was at this time that Sri Subramania Bharati composed national songs and carried on national propaganda from Pondicherry. It was also at this time that Sri V. O. Chidambaram Pillai and Sri Subramania Siva courted imprisonment by making spirited speeches exhorting the people to

press for nothing less than "purna swaraj" and to offer passive resistence to the Government by boycotting British goods, British Courts and British Schools.

It must however be stated that nationalism, as yet, had not begun to permeate the masses. It was only occasionally, by fits and starts, that the masses were making themselves felt. That great task of rousing the masses was attempted by the Home Rule, the Non-Co-operation and the Khilafat movements. These movements that came in the wake of the First World War (1914–1918) led to widespread political agitation.

The credit for broadcasting for the first time the seeds of nationalism in our State belongs to Mrs. Annie Besant. Within a year of the declaration of the war, she started in Madras, as the Government themselves have put it, "a red-hot agitation" for Home Rule (Self-Government or Swaraj) which soon began to spread like wild fire from district to district. She commenced her campaign in March-April 1915 in a series of articles on Home Rule published in her newspaper "New India". "India", she declared, "asked to be governed by her own men freely elected by herself, to make and break ministers at will, to have her own army and navy, to levy her own taxes, to frame her own budget, to educate her own people in her own way, in short, to become a sovereign nation within her own borders owing only allegiance to the Imperial Crown". And so long as this swaraj was not attained, all her crying problems like the poverty of the masses, unemployment, the decay of industries and so forth would remain unsolved. In order to attain swaraj, Mrs. Besant organized a Home Rule League and preached everywhere about swadeshi, boycott of foreign goods, temperance, national education, labour welfare and responsible Government, ideals similar in essence to those propounded by the Indian National Congress since 1885. In vain the Governor sent a friendly remonstrance to her to dissuade her from her course. In vain also the Government proposed to the Government of India that "drastic steps should be taken to check her activities which were fraught with danger to the public peace." In vain too, she was compelled to deposit security for her press, and shortly afterwards, subjected to the penalty of forfeiting this security. She continued her agitation with unabated vigour, attacked the Press Act, appealed to the High Court, and thereby gained an immense popularity because, though that court decided against her, it adjudged at the same time that, out of the 14 extracts of her articles which had been considered as seditious by the Government, only 2 were really seditious. She then, with the help of Mr. G. S. Arundale, the Organizing Secretary of the Home Rule League, began to enthuse the students and enlist their aid and sympathy. She condemned the existing educational system as being backward, reactionary and unpatriotic, hailed the students as the rising hope of India, who were destined to secure for the country freedom from foreign yoke, instituted Home Rule classes for them, formed Boy Scouts and Volunteer troops for them and took up their cause on every occasion. Nor was this all. She

turned the Theosophical Society, of which she was the President, into a political organization, believing as she did that "all great national movements in India are rooted in religion" and that the Home Rule Movement could not therefore be an exception to this rule; and by this single act, more than anything else, brought into the national arena hundreds of teachers, government servants, social workers and other intellectuals. Her Home Rule League, which she looked upon as an auxiliary to the Indian National Congress, now began to carry on an extensive political propaganda.

Everywhere, both in the City and in the districts, speeches were delivered, pamphlets were issued, and students' strikes and demonstrations were staged, all of which greatly disconcerted the Government and speedily led to the internment of Mrs. Besant and her associates, Mr. Arundale and Sri Wadia in the Nilgiris (June 1917). This did not however abate the ardour of the movement; on the countrary it increased the ardour. A wave of resentment against the Government swept over the whole State. Protest meetings were held in every district, students' strikes were organized in many schools and colleges, public processions were taken out and leaflets in Indian languages as well as picture post cards on Home Rule were widely distributed. "The Olcott Lodge" at Ootacamund in which she fixed up her residence became a centre of pilgrimage for all sorts of intellectuals and political workers. Thither went continually for instruction and inspiration men like Sri S. Subramania Ayyar, Dr. C. P. Ramaswami Ayyar and Dr. Pattabhi Sitaramayya. Nor did the situation become better when her residence was transferred to Coimbatore. That district became "a centre of special Home Rule activity". Then came her release and the release of her associates (September 1917) but these events too failed to damp the Home Rule activities. Home Rule meetings continued to be held in the City and in the districts; Home Rule volunteers continued to carry on propaganda in towns as well as villages; and the Home Rule Monster Petition was signed by thousands of people in all walks of life.

The Home Rule Movement very soon merged itself into the two greater movements of All-India importance, the Non-Co-operation and the Khilafat movements. These movements took the whole country by storm and, by identifying themselves with the Indian National Congress and utilizing its whole machinery for effective propaganda, gave a permanent character to nationalism. They arose during the war and went on gaining momentum even after the war, even after the introduction of the Montagu-Chelmsford Reforms of 1919. They owed their origin to various causes but they owed their inspiration, their force and vitality, essentially to one towering personality, Gandhiji. After having successfully carried on the campaign of passive resistance for improving the lot of Indians in South Africa, Gandhiji returned to India in 1915 and almost immediately started political propaganda. He took up the cause of the tenants of Bihar against the oppressions of the

planters and organized passive resistance in the Kaira district of Bombay against the land revenue exactions of the Government. He then supported the extremist sections of the Indian National Congress and induced the Congress to join the Muslim League and the Muslim agitation against England and her allies when they endangered the suzerainty of the Khalifa, the Sultan of Turkey, and occupied the holy places of the Muslims in Asia Minor and Arabia. Nor was this all. He assailed the Government when they curtailed the liberty of the people by arming themselves by the Rowlatt Acts with powers of arrest and detention without trial of persons suspected of anti-Government activities, and condemned the Reforms of 1919 as being utterly inadequate to satisfy Indian aspirations. It is under these circumstances that he launched in February 1919 the Non-Co-operation and Khilafat agitation; and his sincerity, his spiritual insight and his political sagacity made him at once a great leader, a "Mahatma", beloved and respected by both the Hindus and Muslims. This agitation which is called the Satyagraha Campaign, or the Civil Disobedience Movement, stirred the hearts of millions all over India, and in pursuance of it, national leaders and political workers preached everywhere non-co-operation with the Government and passive resistance to the Government with unprecedented vigour.

In August 1920 Gandhiji himself came down on a propaganda tour to the south accompanied by the two notable Muslim leaders, Sri Muhammad Ali and Sri Shaukat Ali and delivered a number of speeches in Madras City and in the districts. In these speeches he emphasised that civil disobedience signified the force of truth or the force of the soul, that its acceptance involved the rejection of all physical violence as well as the implementation of all policies laid down by the Congress such as the resignation of titles, the boycott of Legislative Councils and foreign goods, national education, temperance, labour unions etc. He also emphasised that the Hindus and Muslims should unite together and fight for their common cause, Swaraj, for the redressal of Khilafat grievances, for the reparation of the Punjab atrocities and for the withdrawal of the Rowlatt Acts. Subsequently he came twice to Madras in 1921 to give a fillip to the movement.

It is not possible to describe here in any detail the results produced by the movement. All that can be said is that it resulted in many things of national significance. It resulted in hartals, processions and public meetings. It resulted in the resignation of titles and honours. It resulted in the boycott of schools, law courts, the Legislative Council and the local bodies. It resulted in the formation of labour unions and strikes. It resulted in the boycott of toddy shops and toddy shop sales and caused a considerable loss of revenue to the Government. It resulted in the encouragement of the Charka and the Khadi. It resulted in the formation of Youth Leagues and Congress organizations throughout the State. And, above all, it resulted in rousing a spirit of defiance against the authorities, and thus, in

undermining in no small measure, the prestige of the Government. All these results were due to the ceaseless efforts of our political leaders like Sri Kasturiranga Ayyangar, Sri Srinivasa Ayyangar, Sri C. Vijayaraghavachariar, Sri S. Satyamurthi, Sri V.O. Chidambaram Pillai, Sri Kalyanasundara Mudaliar, Sri Singaravelu Chetty, Sri E. V. Ramaswami Naicker, Dr. P. Varadarajalu Naidu, Sri Yakub Hasan and Sri C. Rajagopalachari. They were also due to the selfless devotion to the cause of patriotism shown by many of our political workers who went to jail in large numbers. They were likewise due to the persistent national propaganda carried on by the newspapers like The Hindu, the Muhammadan, the Desabhaktan, the Tamil Nadu and the Swadesamitran.

Meanwhile the awakening of the political consciousness of the country had led to the introduction of the Montague-Chelmsford Reforms of 1919. By the Morley-Minto Reforms of 1909 the Madras Legislative Council, which was then the Executive Council, supplemented by additional members for making laws, had been enlarged, the number of its additional members having been raised from 20 to 42 of whom 19 were to be elected. The official majority in the Council had been surrendered and the members had been given the rights of moving resolutions on the budget as well as on matters of general public importance and of asking supplementary questions on reply to their interpellations. But, nevertheless, its resolutions had not been binding on the Executive Government, nor had it any control over any department of the Government. By the Montague-Chelmsford Reforms, the Legislative Council ceased to be the Executive Council supplemented by additional members appointed or elected for the purpose of making laws. It became a separate body of which the members of the Executive Council became ex-officio members. Its members, including the proportion of elected members, were also increased; there were to be now 98 elected members and not more than 30 nominated members of whom only 15 might be officials. The Governor no longer presided over it, though he had a right to address it. Its powers too were enlarged. It had the powers of discussing and voting the budget, of moving resolutions on matters of general public importance, of interpellation, of putting supplementary questions and of moving the adjournment of business to discuss a definite matter of urgent public importance. The constitution of the Executive Government was at the same time modified. A system of dyarchy was introduced. Provincial subjects were classified as "Reserved" or "Transferred" and, while the former were administered by the Governor-in-Council, the latter were administered by the Governor acting with ministers appointed from, and responsible to, the Legislative Council.

When these reforms were on the anvil, a new party entered the political arena. This was the Non-Brahmin Party which came to be called the South Indian Liberal Federation or the Justice

Party. It was by no means, as is sometimes supposed, a thoroughly reactionary party. It was not anti-nationalist in its outlook. It was only more moderate than the Congress Party and it sought to attain its goal of full responsible Government through constitutional methods. It came into existence in this State towards the end of 1916 and gathered strength gradually during the Home Rule, the Non-Co-operation and the Khilafat Movements.

Its first pillars were Sri P. Theagaraya Chetty, President of the South Indian Chamber of Commerce, the oldest member of the Corporation of Madras, and an ex-member of the Legislative Council, and Dr. T. M. Nair, both of whom enjoyed the confidence of large sections of the Non-Brahmins. In December 1916 Sri P. Theagaraya Chetty issued a manifesto attacking the Home Rule Movement in trenchant language, charging it with being a scheme devised by the Brahmins who were not content with having secured the practical monopoly of political power and high government appointments, and calling upon all the Non-Brahmins to assert and press their claims against the domination of the Brahmins. The party thus ushered into this State was backed by a journal called "The Non-Brahmin" and, shortly afterwards, by a newspaper of its own called "The Justice" with Dr. T. M. Nair as editor and Sri Theagaraya Chetty as publisher. It lost no time in making propaganda. It held several public meetings in the city and the districts and urged that, in the coming reforms, communal representation by communal electorates as well as communal representation in public services, should be introduced. It also vehemently protested against the nomination of Sri V. S. Srinivasa Sastry on the Franchise Committee and urged, in his stead, the nomination of either Dr. T. M. Nair or some other Non-Brahmin leader. Indeed, what gave the Justice Party its strength was the appeal which it made to the entire Non-Brahmin Community that the predominance of the Brahmin leaders in the Home Rule and Congress movements and the over representation of the Brahmins in the services were matters demanding the serious notice of all the Non-Brahmins. When the Reforms of 1919 were introduced, although they were not palatable to it, it accepted office and tried to work them. And during the Non-Co-operation and Khilafat agitations, it tried its best to counteract them, though in vain.

Amidst this agitation and counter-agitation, the Non-Co-operation and Khilafat movements suddenly came to an end. The Congress split over the question of Council entry and the Muslims beheld with dismay the abolition of the Khalifa by Kemal Pasha. But the agitation for swaraj, though abated, was continued, while Gandhiji took to constructive work, planning, as he said, to start the Civil Disobedience Movement at the proper opportunity.

During this time, till the advent of the Civil Disobedience Movement of 1930–1931, interest in nationalism was kept up by the Congress in our State by continual propaganda. It

was this propaganda that led to the launching of the no-tax campaign in Tanjore. It was this propaganda that led to the collection of Khadi purses and to the picketing of toddy shops and toddy shop sales in various districts. It was this propaganda that led to several strikes in textile mills in the State. It was this propaganda that led to the boycott of the Simon Commission when it arrived in Madras. And, finally, it was this propaganda that led to the general strike in the South Indian Railway (1928).

Close upon this came the Civil Disobedience Movement forged by Gandhiji and introduced at the Lahore Session of the Congress in 1929. The resolution on this movement framed by Pandit Jawaharlal Nahru, the rising leader of India, and issued on behalf of the Congress Working Committee, charged the British Government with having not only deprived the Indian people of their freedom but also "ruined India economically, politically, culturally and spiritually" and declared in emphatic terms that "India must" therefore, "sever the British connection and attain purna swaraj or complete independence". The way to swaraj, it further declared, was not through violence but through civil disobedience, including non-payment of taxes. A manifesto like this issued to the numerous Congress organizations throughout India and a movement like this led by no less a leader than Gandhiji could not but be expected to produce widespread political agitation. A wave of nationalism, the like of which had never been witnessed before, spread over the whole of India and the Congress leaders and Congress workers came out everywhere and did their utmost to paralyse the activities of the Government. The Government for the first time realised the national significance of the movement and introduced a series of repressive laws to meet the extraordinary situation.

The movement, indeed, shook the whole State of Madras. Its ordinary features here consisted, as before, of processions, mass meetings, hartals, singing of national songs and so forth in defiance of prohibitory orders. Its special features which alone can be indicated here consisted of salt satyagraha, labour strikes, anti-drink campaigns, agitations in local bodies, publicity in the press and, in some places, even mass risings in resentment at the repressive measures taken by the Government. Such risings took place at Arcot, Vellore, Gudiyatham and Sholingur in North Arcot and at Tindivanam in South Arcot. But for these violent out-bursts occasioned by violent repression, the movement was characterised throughout by a sullen, persistent, non-violent agitation. In almost all districts, as well as in the City, the nationalist press, notably the newspaper "The Hindu", despite the rigorous enforcement of the Press Ordinance, carried on subtle national propaganda with success. In almost all districts the local bodies supported the agitation and wished it success. In almost all districts the cutting and picketing of toddy shops and toddy shop sales was conducted with great success. In almost all districts, including the City, labour strikes in mills and factories

were organized with equal success. In almost all districts salt satyagraha was launched with even more success. And the greatest success in this satyagraha was achieved in Tanjore under the able guidance of Sri C. Rajagopalachari. As this was "the biggest organized effort" in support of the Civil Disobedience Movement in Tamil Nad, we may describe it in some detail.

Sri C. Rajagopalachari had by now come to the very forefront in the politics in Madras. He had become Gandhiji's right hand man and risen to the position of the President of the Tamil Nad Congress Committee. He fixed Vedaranyam as the chief scene of operations for his salt satyagraha and the moment Gandhiji began his famous march to Dandi (12th March 1930) issued an appeal for funds and volunteers and toured through Tamil Nad addressing public meetings at various places to organize a march to Vedaranyam. The funds poured in and the volunteers flocked to his standard from all districts. He then sent an advanced guard to go along the route of the march from Tiruchirappalli to Vedaranyam, in order to arrange for accommodation and supplies at suitable halts and to rouse the sympathies of the people. In this and in all other work connected with the campaign he found able lieutenants in Dr. T. S. S. Rajan and Mrs. Lakshmipathi. As soon as the news of the campaign came to be known, the Tanjore district authorities became not a little perturbed, especially since the Government had issued no instructions as to how to deal with the situation and had, on the other hand, ordered that Sri C. Rajagopalachari should not be arrested until he had actually broken the salt law. Mr. J. A. Thorne, the energetic District Magistrate, however, did all that he could to obstruct, if not to prevent, the march, by making it widely known that anybody who offered any assistance in the way of accommodation and supplies to the party would be prosecuted under section 157 of the Indian Penal Code. In spite of this, however, the march from Tiruchirappalli began on the scheduled date, 13th April 1930. When Sri C. Rajagopalachari with a picked party of 99 salt satyagrahis came to Koviladi, he found the famous local chattram barred and bolted against him, but he was not discomfited. He found some accommodation in a private house while the party made themselves comfortable on the river bed. This was the only place where Mr. Thorne's tactics succeeded. Thereafter Sri C. Rajagopalachari and his party met welcome at Tiruvaiyar, Tanjore and Kumbakonam and jubilant welcome from Kumbakonam onwards until they arrived at Vedaranyam on 28th March. The way in which this march was conducted extorted the admiration of Mr. Thorne. He reported that Sri C. Rajagopalachari maintained excellent discipline among his followers, exercised complete control over them and observed strict non-violence. He, however, arrested him as soon as he began to collect salt from the salt swamp. Other leaders like Sri K. Santanam, Sri Vedaratnam Pillai, Mrs. Lakshmipathi, Dr. T. S. S. Rajan, as well as a large number of volunteers at once came forward to carry on the campaign

and gave a lot of trouble to the authorities; and it was only after several arrests that the situation could be brought under control.

Under all this agitation it is no wonder that the Government themselves recognized that the Civil Disobedience Movement reflected "real national spirit", that it had "more staying power than the Non-Co-operation Movement", that "it was better organized and definitely more prepared for a long struggle", that it no longer "derived its inspiration" from any personalities, not even Gandhiji's personality, that "it had an independent basis of its own" and a potentiality which made it clear that "the cult of "Gandhiji" had merged in the cult of nationalism". Most of the present Congress leaders and political workers of this State took an active part in this movement and prepared the masses for further struggles for freedom that were to come in the near future.

Meanwhile, the Civil Disobedience Movement came to an end. By a settlement reached by Gandhiji on behalf of the Congress, with Lord Irwin the Viceroy, on behalf of the British Government (March 1931), the Congress called off the movement and agreed to participate in the Round Table Conference held in England and the Governmant withdrew all repressive ordinances banning the Congress bodies, etc., and released all political prisoners. But this truce remained in force only for a time. The Civil Disobedience Movement was started again by the Congress early in January 1932 on account of the repressive ordinances passed by the Government to put down agitation in the North-West Frontier Province, in the United Provinces and in Bengal. The same weapons that were used before were used again throughout the State and when Gandhiji visited Madras and toured the districts early in 1934, huge crowds greeted him, venerated him, treated him "like a god" and contributed considerable sums to his Harijan Fund. A spirit of wrathful defiance against the authorities now filled the air, and the situation was not eased until the movement was finally called off by Gandhiji and the Congress in April-May 1934 and the Unlawful Associations Ordinances were cancelled by the Government.

During all this time from the end of the Non-Co-operation Movement to the end of the Civil Disobedience Movement, other parties in the State were not idle. The Justice Party, although it co-operated with the British in running the dyarchy under its leaders like the Raja of Panagal and Sri A. P. Patro, very soon began to lose all faith in dyarchy. It happened like this. In 1926 it was defeated in the General Elections by the Swaraj Party, the party of the Congress which believed in council entry. But the Swaraj Party, though it had a majority, refused to form the Ministry and, as a result, an independent Ministry under Dr. P. Subbarayan, having the support of the Swaraj Party, was formed. As soon as this Ministry was formed, the Justice Party

started an agitation against it and against the British Government itself and attempted to undermine the Congress. It convened a meeting of the Non-Brahmin Federation at Coimbatore in July 1927 attended by its prominent leaders like the Raja of Panagal, Sri A. P. Patro, Sri R. K. Shanmugam Chetty, Sri A. Ramaswami Mudaliar, Sri O. Thanikachalam Chetty and presided over by Sri S. Kumaraswami Reddiar and at this meeting passed three important resolutions. The first of these permitted the individual members of the Justice Party to enter the Congress with the object of swamping the Congress and working on the feelings of the Non-Brahmins inside the Congress. The second condemned dyarchy as being a system utterly unworkable and demanded full provincial autonomy from the British Government. The third advocated a vote of no-confidence in the Legislature to unseat the Ministry. Soon after this meeting several prominent members of the Justice Party joined the Congress. A vote of no-confidence was also brought in the Legislative Council, but the motion was defeated by the members of the Swaraj Party. This did not upset the Justice Party, and at the General Elections of 1930, the Congress (both the Congress Party and the Swaraj Party) having refused to contest the elections, it easily obtained a majority and again formed a Ministry, this time headed by Sri B. Muniswami Naidu. This Ministry was succeeded in 1932 by the Ministry of the Raja of Bobbili. The Justice Party now felt itself quite safe and, finding from the elections that the Non-Brahmins had little to fear politically from the Brahmins, threw open its membership to the Brahmins so as to strengthen its organization. But its position actually was by no means safe. This was clearly shown by the General Elections of 1934. The Justice Party was now completely defeated by the Congress Party, the Congress having lifted the ban on Council entry. The Congress Party however did not accept office and accordingly a Justice Party Ministry was again formed under the Raja of Bobbili. But the sands of this party were running out fast. Thereafter disunity in its ranks, the lack of effective machinery and, above all, the want of a dynamic nationalist policy, ruined all its chances of success.

About the same time, two new parties, namely, the Self-Respect and the Communist parties, came into existence. Both opposed the Congress and both demanded radical, social, economic and political reforms. The Self-Respect Party was started by Sri E. V. Ramaswami Naicker who had played indeed no inconspicuous part in Coimbatore during the Non-Co-operation and Khilafat agitation. After that agitation however he left the Congress believing that the only way to improve the condition of the people was to abolish all caste distinctions, to banish all religion and to introduce some sort of Communism. In 1933-1934 he toured the Tamil Nad attacking all religions, Hinduism, Islam and Christianity alike, denouncing the Brahmins for being the authors of caste distinctions, condemning all forms of private

property and advocating the establishment of "the Russian form of Government" as being the best suited to the country. By his hatred of the Brahmins he won the support of the Non-Brahmins and the Justice Party and by his love of the Soviet system he earned the sympathy of the Communist Party. Wherever he went he formed associations of Self-Respectors and his Self-Respect Party, because it promoted class hatred, caused some anxiety to the Government and, because it attacked the Congress, caused some annoyance to the Congress Party. It contributed a succession of intemperate articles in some Tamil newspapers, violently abused the Brahmins and the Congress and organized demonstrations, though with little success, even against Gandhiji when he came on his southern tour in 1934.

But it was the Communist Party that caused real concern to the Congress and much anxiety to the Government. This party received a fillip by the visit of Sri Saklatwala, a prominent labour leader and a member of British Parliament, to Madras in 1927, and gave rise to several associations of workers. It refused to have anything to do with the Congress and denounced the Congress as "the stronghold of landlordism, capitalism and private ownership". The Congress found it impossible to conciliate the Communists (or "Socialists" as they called themselves) who organized a spate of strikes in the City as well as in the districts. Indeed they grew from strength to strength in all parts of India. That was the reason why in July 1934 the Government of India banned the Communist Party and its organizations on the ground that they constituted a danger to public peace. The Government of India stated that a close investigation of all Communist activities, and especially the Meerut Conspiracy case, had revealed to them that the Party aimed at nothing less than the violent overthrow of the existing order of society. Its aims, they said, were hatred of God and all forms of religion, the destruction of private property, the enforcement of absolute social and racial equality, the annihilation of all forms of responsible government including civil liberties such as freedom of speech and trial by jury, and the establishment of the dictatorship of the proletariat by means of a world revolution. Its objects, they observed, were the achievement of complete independence of India by the violent overthrow of British rule, the cancellation of all national debts, establishment of a Soviet Government, the abolition of the Indian States, the confiscation without compensation of all the lands, forests and other properties of the ruling princes, landlords, etc. And it sought to secure these objects, they remarked, by developing a general strike of workers culminating in a general political strike, and by developing a peasant movement for the non-payment of rents and taxes into an All-India agrarian revolution, and by organizing a nation-wide movement for political independence by attaching to it all the workers, peasants and petty bourgeois and by spreading revolutionary propaganda in the army and the police and inciting them to revolt against British rule.

As a result of this, in Madras, the Government declared unlawful the Young Workers' League (November 1934) which had for its avowed object the overthrow of British Imperialism and which was in no sense a bona fide trade union and was in touch with the Communist International. All this created a storm of protests in the left wing press and a great deal of uneasiness in the Self-Respect Party, which had, as has been seen, imbibed some of the Communist ideas. Sri E. V. Ramaswami Naicker lost no time in announcing that his party was not a Communist Party, that it was only a Socialist Party, that it worked always within the bounds of law, that violence had no place in it and that its aim was the establishment of the British System of administration and failing that alone "a Communist System of administration". His party, however, was not banned. Nor were the other Socialist organizations in the State banned, although some of them, like the All-India Congress Socialist Organization, agitated for complete independence, non-compromise with British Imperialism, the elimination of the princes, landlords and other classes of exploiters and the redistribution of lands to the peasants. The banning of the Communist Party did not by any means put a stop to the activities of the Communists in the State. They formed what was called the Labour Protection League and steadily spread Communist ideas among the workers as well as the kisans. As yet however they did not start any widespread agitation. They started that only after the Congress Government came to power in 1937.

In the meantime the Government of India Act of 1935 was passed which gave a further instalment of reforms. So far as this State is concerned, it abolished dyarchy and, with certain exceptions, granted provincial autonomy. The State Government was given exclusive authority over provincial subjects and concurrent jurisdiction over certain other subjects. The Government of India was precluded from interfering in State administration save when the Governor-General proclaimed an emergency or considered interference necessary for ensuring the peace and tranquillity of India. The Governor, like the Governor-General, was also entrusted with certain discretionary powers and special responsibilities which he could discharge without consulting the Ministers. Thus, under his discretionary powers, he could nominate certain members to the Legislative Council, appoint and dismiss Ministers and members of the Public Service Commission, summon, prorogue or dissolve the Legislature, stop the proceedings of a bill which affected peace and tranquillity, return a bill to the Legislature for reconsideration with suggestions for amendment, veto a bill or reserve it for the consideration of the Governor-General, pass an Act or promulgate an Ordinance when immediate action was necessary or assume to himself all the powers of the State Government and the Legislature in the event of a breakdown of the Constitution. Under his special responsibilities, he was authorised to prevent any grave menace to public peace, to

safeguard the legitimate interests of the minorities and the public servants, to administer the Partially Excluded Areas, to protect the rights of the rulers of India States and to execute the orders or directions issued to him by the Governor-General. Subject to these restrictions, the Ministers were invested with full powers over all other subjects relating to State administration. The Governor was to appoint the leader of the party or the parties commanding a majority in the Legislature as the Chief Minister and also the other Ministers chosen by the Chief Minister generally from among the members of the Legislature. If a Minister chosen was not a member of the Legislature, he had to become one within six months or resign. All the Ministers were to be responsible to the Legislature and were to resign if the Legislature passed a vote of no-confidence. The Governor was to preside over the Council of Ministers. The Legislature was to consist of a Legislative Council and a Legislative Assembly. The Council was to consist of 46 members of whom a certain proportion was to be elected and a certain proportion to be nominated by the Governor. It was to be a permanent body, one third of whose members were to retire every three years. The Assembly was to consist of 215 members elected by voters arranged in separate electorates. It was to sit for five years unless sooner dissolved by the Governor. The Council was to have no power to vote on demands for grants or to sanction expenditure ; it could only discuss the budget. Such powers were to be exercised by the Legislative Assembly in which all money bills were to be first introduced. In case of difference of opinion between the two houses, the Governor was to summon a joint sitting to decide the disputed measure.

This Act came into force on 1st April 1937, but long before that date, strenuous efforts were made both by the Congress and the Justice Parties throughout the State to increase their strength and to carry on an effective propaganda for the forthcoming elections. On the Congress Party's side, the propaganda was carried on by local leaders like Sri S. Satyamurthy and Sri C. Rajagopalachari and outside leaders like Sri Vallabhai Patel and Pandit Jawaharlal Nehru. In this election campaign no leader attracted a larger audience and none produced a greater impression than Pandit Jawaharlal Nehru, who arrived in Madras on 5th October 1936 and immediately afterwards started on a whirlwind tour of the Tamil Nad. Wherever he went, he was given an enthusiastic reception. In almost every village on his route, the villagers gathered and cheered him on his arrival ; in more important villages, welcome arches were erected, festoons were hung and Congress slogans were displayed. He was received with flowers, fruits and music and, sometimes, with "vedis" fired in his honour. In towns in which he halted, very large crowds assembled, consisting of both townsmen and villagers of the surrounding areas. They minded not any inconvenience; they waited for hours to have his

"darsan"; and they brushed aside the feeble hostile demonstrations carried on in some places by the members of the Self-Respect Party. They presented him addresses of welcome and purses and thanked him for his compaign against poverty and unemployment. Indeed, he literally achieved mass contact and became exceedingly popular by frequently stopping his car while passing through the villages, by talking freely with all who came to see him, by mixing freely with them, by showing extreme solicitude for their welfare and, by distributing the flowers and fruits presented to him, to the women and children. And everywhere he delivered speeches laying emphasis on the prevailing poverty and unemployment in India and attributing them largely to the policies followed under British Imperialism. He remarked that, so long as British Imperialism remained, the masses could not hope to better their condition and that, therefore, it must be brought to an end. He pointed out that to achieve this object all classes should strengthen the hands of the Congress which was the only powerful, organized and disciplined body in India. He asked the people to vote for the Congress and he invariably wound up by saying that the Congress was working for independence and that, once independence was gained, the problem of poverty and unemployment could be solved by introducing socialism in the country.

Pandit Nehru's tour strengthened not a little the electioneering campaign of the Congress Party. The Justice Party's campaign lost all vigour, but by then, new parties having come into existence, such as the Peoples' Party, and the Provincial Branch of the Muslim League having been revived, the opponents of the Congress fondly hoped to undermine its strength. In the General Elections held in 1937, however, the Congress Party won a decisive victory over the other parties. The fact that the anti-Congress vote was split made little or no difference, and the Congress Party secured 159 out of the 215 seats in the Legislative Assembly and 26 out of the 46 seats in the Legislative Council. The Congress Party, however, having refused to accept office without securing assurances against the interference in the day to day administration by the use of the Governor's discretionary and special powers under the new Constitution, an Interim Ministry was formed under Sri K. V. Reddy. But in the first half of July, the Congress Party being satisfied with the assurances given by the Viceroy accepted office and formed a Ministry under Sri C. Rajagopalachari.

Of all the measures introduced by Sri C. Rajagopalachari's Ministry none came in for so much opposition from his political opponents as the introduction of Hindustani (Hindi) compulsorily in certain schools as an experiment. The opposition to this measure came mostly from the Self-Respect Party led by Sri E. V. Ramaswami Naicker. but it was backed alike by the Justice Party, the Muslim League and the Scheduled Caste Federation. Meetings were held by the Self-Respect Party in the whole of

Tamil Nad at which speeches were made attacking the Brahmins and alleging that the introduction of Hindi was an attempt to impose Aryan influence on Dravidian culture to propagate Brahmin domination. Black flag demonstrations were made by this party during the visits of Ministers and above all picketing by successive batches of volunteers was conducted by this party before the Premier's residence and before certain schools. More than a thousand arrests were made in the City and most of the picketers were convicted. Sri E. V. Ramaswami Naicker himself was arrested, convicted and sentenced to one year's imprisonment. But still the agitation went on. It ended only when the Congress Ministry laid down office in 1939 and the succeeding Government abolished the teaching of Hindi and released all Anti-Hindi prisoners. Meanwhile, in December 1938, Sri E. V. Ramaswami Naicker was elected as the President of the Justice Party, although he was then in Jail.

It was not, however, so much the open agitation of the Self-Respect Party or the Justice Party, as the underground agitation of the Communist Party which was rapidly becoming powerful, that caused much concern to the Congress Government. It was at this time that many of the Communists under the guise of Socialists formed unions " embracing all branches of industry and husbandry." It was at this time that they organized a large number of strikes in mills and factories in which the strikers employed violence, put forth unreasonable demands and spurned every attempt made by the Government to settle their grievances. It was also at this time that they began to foment kisan troubles in some districts.

But the times were fast changing. In September 1939 the Second World War broke out and opened a new chapter in the history of the struggle for independence. The Congress having decided not to participate in the war, Sri C. Rajagopalachari's Ministry resigned in October and the Government was carried on by the Governor with the aid of Civilian Advisers. As soon as this took place and individual satyagraha was permitted by the Congress, the whole State became a scene of agitation. Everywhere Congress Committees were formed, satyagraha pledges were taken, anti-war speeches were made, anti-war slogans were shouted, anti-war pamphlets were issued and anti-war posters were displayed; and all this anti-war propaganda led to a very large number of arrests. As the movement gained momentum, more and more people courted imprisonment, with the result that the Government were eventually compelled to ignore all but the leaders and to arrest only such as wielded any influence. It was not until the Satyagraha movement was withdrawn by the Tamil Nad Congress Committee in January 1942, that things quietened down.

This was, however, only the calm before the storm. For, very soon events moved to a crisis. The interminable waiting for

the fulfilment of the pledges by the British, the failure of the Cripps's Mission, the danger of the conversion of India into a theatre of war by Britain and her Allies, all these, induced Gandhiji and the Congress to make an all-out effort to get rid of British rule. The nation having waited in vain could wait no longer for independence. The Civil Disobedience Movement, or the Quit India Movement as it was called, was fashioned by Gandhiji in May-June 1942, was put into shape by the Working Committee by the Wardha Resolution in July and was launched by the All-India Congress Committee by its Bombay Resolution on 8th August. This Resolution which was a long one, demanded, in short, the immediate withdrawal of Britain from India, the setting up of a Provisional Government representing all the parties, the pooling of all resources for fighting the struggle for freedom against aggression of Nazism, Fascism and Imperialism and thereby strengthening the cause of the United Nations and, after the war was over, the establishment of a World Federation of free nations. And, in order to secure the preliminary step, the immediate withdrawal of Britain, it sanctioned a nation-wide non-violent mass movement under the leadership of Gandhiji.

This clarion call was no sooner made, than Gandhiji and a large number of prominent Congress leaders were arrested and imprisoned and all the Congress Organizations throughout India were banned. This was a signal for the outbreak of a national uprising throughout India, in which violence was freely used with non-violence to paralyse the activities of the Government. The British Government held the Congress responsible for the violent outbreaks stating that the Congress must have known that the incitement to mass action on such a wide scale was bound to lead to violence, but the Congress held the Government responsible stating that it was the arrest of the leaders and the repressive policy of the Government that was responsible for violence. So far as Madras was concerned, Sri C. Rajagopalachari having by this time resigned from the Congress on the issue of Pakistan before the passing of the Bombay Resolution, and the other leaders having been imprisoned, the people were more or less left to themselves and their resentment in many places resulted in acts of violence.

Indeed, any one who reads the records of this momentous period cannot fail to draw the inference that the policy of the Government was largely responsible for these acts of violence. For, the Government not only imprisoned all the leaders who could have exercised a restraining influence on the people but also banned all non-violent activities such as hartals, meetings, processions and demonstrations. The result was, as may be expected. Popular resentment broke out with a virulence hitherto unknown in the political annals of Madras. People lost patience, resorted to all sorts of acts, including sabotage and arson, and courted imprisonment in large numbers. In Madras City, even in the face of strong military forces, hartals and strikes frequently took place and acts

of incendiarism were attempted. Hundreds of students of schools and colleges, including the lady students of the Queen Mary's College, observed hartals, led out processions and shouted Quit India slogans until they were dispersed by the police. Hundreds of workers of the Buckingham and Carnatic Mills and Public Works Workshops struck work. Hundreds of labourers of the Madras Port Trust, Madras Electric Tramway and Madras Corporation carried on labour agitation. Picketing of toddy shops was conducted in some places and toddy shops in Choolai were set on fire. Several post boxes were burnt and some attempts at incendiarism were made in the High Court buildings and a bomb was thrown in the Muthialpet police station.

In the districts the situation often became worse. In North Arcot, besides hartals and demonstrations, telephone and telegraph wires were cut, post boxes were removed, the Public Works Inspection bungalow at Panapakkam and police huts at Vellore were burnt, Forest rest-houses near Vellore and the village chavadis in Panapakkam and Timiri were set on fire and a goods train was derailed, badly damaging many wagons, between Tandarai and Adichanur railway stations. Collective fines were imposed on some villages in this district, amounting to Rs. 6,535. In the South Arcot the students of the Annamalai University took a prominent part, organizing strikes, taking out processions, hoisting national flags etc. Here too telephone and telegraph wires were cut in a number of places and a motor car belonging to a police official was burnt. In Chingleput, the students of the Loyola College, the Christian College and the Engineering College took an equally prominent part; they staged strikes, obstructed electric trains, and encountered lathi charges, imprisonment and even whipping. Here also telephone and telegraph wires were cut in many places, some toddy shops and some sheds belonging to the essential services were burnt and an attempt was made to set fire to the post office at Kalathi. A collective fine of Rs. 5,000 was imposed on some villages and the Chingleput District Board and the Damal Panchayat Board were superseded for 6 months for supporting the Quit India Movement and condemning the repressive policy of the Government. In Coimbatore, besides meetings, hartals, picketing of schools and colleges, and cutting of telephone and telegraph wires, large scale strikes were organized in a number of mills, some of which resulted in police interference. An ammunition train from Cochin consisting of two engines and forty four wagons was derailed by sabotage between Podanur and Singanallur railway stations. Attempts were made to derail trains at Pollachi and Chavadipalayam. A village chavadi near Karnalur was attacked and damaged and several toddy shops were burnt at Singanallur, Parur and Kariyapalayam. All the sheds of the Sulur Aerodrome were set on fire and 22 motor lorries kept in them were destroyed. Here, besides imposing collective fines on certain villages amounting to Rs. 35,410, the Coimbatore Municipal Council was suspended for 6 months for supporting the Quit India Movement

and condemning the repressive policy of the Government. In Madurai similar acts of violence were resorted to. Madurai became "the storm centre of the movement" and called for frequent interference of the military and the police. In addition to public meetings, hartals, cutting of telephone and telegraph wires, the roads were here barricaded and Government servants were assaulted. A mass meeting convened here in defiance of the prohibitory orders led to police firing and the killing and injuring of several persons. Another mass meeting led to the damaging of a municipal fire engine and the A. R. P. equipment, and to the burning of a police bus, some post offices and a Sanitary Inspector's Office, and eventually to police firing and the killing and injuring of some persons. The Madurai Municipal Council, the Dindigul Municipal Council, the Palani Municipal Council and the Madurai District Board were superseded for 6 months for passing resolutions strongly condemning the repressive policy of the Government. In the Nilgiris, mostly processions, demonstrations, and students' strikes were organized.

In Ramanathapuram, serious disturbances took place at Rajapalayam, Karaikudi, Devakottai, Tiruvadanai and Poolankuruchi and a large number of persons were killed in police firing. There were here also many cases of arson and incendiarism. The civil court building at Devakottai was burnt, the Sub-Treasury, the Sub-Registrar's Office, the Deputy Tahsildar's Office and some other Government buildings at Tiruvadanai were set on fire, and attacked and destroyed; the Natarajapuram railway station and the Municipal Elementary School at Karaikudi were also burnt; the post office at Poolankuruchi was burgled, and a mail bus was waylaid and the mail bags in it were reduced to ashes. Interference with the telegraph, telephone and the railway were here very common; so also were very common the defiance of authority and the intimidation of officials. No less than Rs. 2,93,428 were levied here as collective fines on villages, and the Ramanathapuram District Board and the Virudhunagar Municipal Council were superseded for 6 months for passing Quit India resolutions. In Salem, on the other hand, the movement, on the whole was peaceful, but, at times, some acts of violence were committed. The village chavadi at Papparapatti was burnt, post boxes were removed, the telephone and the telegraph were dislocated and, in some places, fish plates were removed from the railway line. In Tanjore, non-violent as well as violent measures were equally employed. Meetings were held, hartals were observed, anti-government propaganda was carried on and students' demonstrations were organised. But in some places like Tiruvaiyar, Tanjore, Mannargudi and Kumbakonam people showed violence. At Tiruvaiyar, hundreds of people marched through the bazaar forcing the shop keepers to close their shops, preventing students from attending schools, cutting telegraph and telephone wires, blocking up roads with stones, stopping buses and attacking public offices. At Tanjore a public meeting held in

defiance of prohibitory orders ended in lathi charges and several arrests. At Mannargudi about 1,000 people armed with sticks, knives and swords cut telephone and telegraph wires, set fire to the railway station, stopped buses from plying, and burnt two public offices. At Kumbakonam about 10,000 people gathered at Gandhi Park, defied the prohibitory order, cut off telegraph communications, barricaded the streets, surrounded the police and the District Magistrate and became threatening until at last they were fired upon and dispersed by lathi charges. At Nachiarkoil an attempt was made to blow up a bridge and at Tiruthoraipundi an attempt was made to derail a train. Mannargudi and Tiruvaiyar were fined collectively Rs. 38,715 and Rs. 1,903 respectively. In Tirunelveli the students' strikes that first began soon gave place to grave disturbances. The Salt Factory at Kulasekharapatnam was attacked by a large crowd carrying sticks, aruvals and battle axes and, in the struggle that ensued, the Assistant Salt Inspector was killed. At Kadaladi, a police party was attacked, at Kurumbur, the railway station was set on fire, at Kadalgudi a police station was burnt, at Tuticorin some toddy shops were damaged, and near Sermadevi fish plates were removed from the railway line. Extensive damage was done here to telegraph and telephone communications. The Tirunelveli District Board and the Tirunelveli municipality were suspended for a period of 6 months, for condemning the actions of the Government. In Tiruchirapalli, the students played an active part; they picketed schools and colleges, as well as courts, held meetings and organized hartals. Attempts were however made here also to tamper with communications. A passenger train was derailed between Pugalur and Noyyal railway stations, a goods train was derailed near Tiruchirappalli and fish plates were removed from the railway line between Lalgudi and Valadi stations.

The Quit India Movement remained active in Madras only for a few months, roughly from August to December 1942; thereafter it gradually died down. The political atmosphere in the whole country, however, continued to remain dark and sullen, what with the detention of the Congress leaders in jail and the unhelpful attitude shown by the Viceroys, Lord Linlithgow and Lord Wavell, and Sri M. A. Jinnah, the implacable leader of the Muslim League. The Viceroys insisted on the solution of the communal and minority problems as a preliminary to the consideration of the grant of any reforms, while Sri M. A. Jinnah insisted on Pakistan. Gandhiji having been released in May 1944 tried his best to solve the tangle, but in vain. From 1945, however, the sky began to clear. The formation of the Labour Government in Britain, the end of the Japanese War, Lord Wavell's visit to England for consultation with the Labour Government, the arrival first of the Parliamentary Delegation and then of the Cabinet Mission to hammer out a new Constitution for India, all these, led to a succession of political changes. Then it was that the ban on the Congress was lifted, the Congress

leaders were released and they resolved to accept the reforms offered in good faith by the British. This speedily led to the holding of general elections and the formation of the Interim Government at the centre (consisting of leaders drawn from major political parties) and the Congress Government in Madras.

During this whole period, from 1939 to 1946, when the Congress Party was fighting for freedom, the other parties in this State co-operated with the British Government and tried to strengthen their own position. Sri E. V. Ramaswami Naicker, now the recognised leader of the Justice Party, offered "unconditional support of Tamilians in the prosecution of the war as a counterblast to the Congress attitude." He also courted the Muslim League, supported the scheme for Pakistan, inveighed against the Congress and continued to stir up anti-Brahmin feelings in the Tamil Nad. His violent anti-Brahmin attitude, however, sometimes annoyed the Government. For he threatened to start another agitation for the removal of caste and social distinctions in temples, restaurants, railway refreshment rooms, etc. Nor was this all. He convened a Justice Party Conference at Kancheepuram for urging the establishment of Dravidanad and at this conference unveiled a map of Dravidanad "comprising the areas where Tamil, Telugu, Kannada and Malayalam were spoken". But fortunately for the Government, his position in the Justice Party was soon challenged when he and his followers, among whom the most prominent was Sri C. N. Annadurai, began to insist on changing the name of the Justice Party into the "Dravidian Association" or the Dravida Kazhagam and calling upon all title holders to surrender their titles. The orthodox Justicites now promptly assailed him, repudiated his leadership and met and elected first Sri B. Ramachandra Reddy and then Sri P. T. Rajan, as their leader. But he was not discomfited; he continued to canvass support for the Dravida Kazhagam, holding meetings in the Tamil Nad.

During the same period, the Communist Party, under its leaders like Sri Mohan Kumaramangalam, Sri P. Ramamoorthy, Sri M. R. Venkatraman and Sri Anandan Nambiar, cast its net wider and tried its best to secure a more permanent hold over the workers and the kisans. It found the time and circumstances eminently propitious for its propaganda. In July 1942 the ban on the Communists was removed and in August 1942, as we have seen, the ban on the Congress was imposed. This gave the Communists a free field to carry on their activities, and their activities bore abundant fruit amidst the economic distress caused by the war, amidst the rise in prices and the scarcity of food stuffs. The ban on the Communists was removed by the British Government in the hope that they would fully co-operate with the war effort since Russia, the home of Communism, had, by then, become a firm ally of Britain. In this hope the Government were not disappointed. The Communists rendered whole-

hearted support to the British in their war effort. Thus, at a meeting held in July 1942 by the Madras and Southern Mahratta Railway Employees' Union, Perambur, Sri Mohan Kumaramangalam said that, though the attitude of Britain towards Communism had until recently been hostile, it was now the duty of Indians to co-operate actively in the war; that, if Japan conquered India, it was not British Imperialism but Indians that would suffer most, and that, therefore, the people should join the army in large numbers. This co-operation in war effort, however, did not prevent the Communists from strengthening their hold upon the workers and others. They carried on extensive underground propaganda and tried to seduce the students, the mill and factory workers, as well as the kisans, from the Congress into the Communist fold. They formed "students cells," "mathar sangams", and workers and kisans unions. They instigated the workers to make all sorts of demands and organized a series of strikes in mills and factories throughout the State. They instigated the kisans also in some districts to make unreasonable demands and to stop all kinds of cultivation work, if their demands were not complied with by the landholders. In their struggle for getting control over the workers and kisans they often came into violent clashes with the Congressmen. All this compelled the Congress in 1945 to expel them from the Congress Party. The Congress Party in Madras now attempted to recover its lost ground and to consolidate its position by forming associations called "Samithis" for dealing with problems connected with the workers, kisans, students, food, etc., and by making intensive propaganda in all districts. But the Communists put up a stiff fight everywhere.

Then came the general elections and Sri C. Rajagopalachari, having, as we have already seen, left the Congress on account of his differences with the Congressmen over the Pakistan issue, the leadership in Tamil Nad passed into the hands of Sri Kamaraj Nadar, the President of the Tamil Nad Congress Committee. There is plenty of evidence to show that he wielded at this time the most powerful influence in Tamil Nad. He inaugurated a National Youth Federation in Madras for co-ordinating the activities of all youth organizations with the object of carrying on the constructive programme of the Congress. And, as soon as the Congress High Command decided to contest the elections, he and his followers conducted strenuous tours throughout Tamil Nad, addressing numerous meetings, explaining the Quit India Resolution and creating enthusiasm everywhere for the Congress. The opposition parties now more or less disappeared from the field, save the Communist Party. During the election campaign the Communists kept the labour situation tense and restless both in the City and in the districts.

The elections held in March 1946, brought an astounding success to the Congress. The Congress Party obtained an overwhelming majority, securing 164 seats out of the 215 seats in the

Legislative Assembly and 32 seats out of the 52 seats in the Legislative Council. Sri T. Prakasam was now chosen as the leader of the Parliamentary Party and he formed his Ministry in April 1946. His Ministry, however, had no easy task before it. For, the whole country was then passing through severe ordeals. The times were out of joint. In the economic sphere, the after-effects of war, high prices, hoarding and blackmarketing, were causing unusually hard times for the poor. In the political sphere, the agitation for Pakistan and communal squabbles were creating menacing movements like the Rashtria Seva Sangh (the R.S.S.) directed against the Muslims, the Razakars directed against the Hindus and the Dravida Kazhagam directed against the Brahmins. In both the spheres, the Communists taking advantage of the troubled times were becoming a real danger to the country. All over India they were organizing industrial and agrarian strikes, making anti-Congress speeches, disseminating inflammatory literature, terrorising their opponents and inciting the people to all sorts of violence. The economic distress produced by the war and the communal agitation created by the Dravida Kazhagam were more or less without much difficulty handled in Madras by the Congress Government. But it was not without great difficulty that they could tackle the political agitation created by the Communists.

The Communists vowed to discredit the Congress in Madras, to capture labour and to keep up a sustained agitation against the Government, even before the results of the general elections were announced. And, soon after Sri T. Prakasam formed his Ministry, they demanded nationalization of all industries, opened a " parliamentary office " in Madras to collect statistics about the grievances of the workers and organized a general strike in the South Indian Railway. When this strike was scotched and killed, they openly accused the Government of being capitalistic, tried to capture labour in all fields, formed more and more labour unions in the City as well as in the districts, set up village food committees, came into frequent violent clashes with the Congressmen, fomented a large number of strikes in mills, factories, dockyards and essential services and, what is more, incited agricultural labourers against the landholders, making it thereby difficult for the authorities to maintain law and order over large and dispersed areas. The anarchy let lose by the Communists compelled the Government to take stringent measures to preserve public peace and safeguard public interests. Early in 1947 they issued the Madras Maintenance of Public Order Ordinance (Ordinance I of 1947) and followed it up by the Maintenance of Public Order Act (Act I of 1947). In this Act, in order to deal with subversive activities, they provided for preventive detention, imposition of collective fines and censorship, control of meetings, processions, camps, drills and parades, requisitioning of property and control of essential services. Under this Act they detained a number of active Communist agitators, but they did not show to them any

undue harshness. Their action in most cases of detention was upheld by the advisory boards set up to review such cases. And yet they released all such detenus as gave an undertaking not to take part in subversive activities; they granted allowances to the families of many of the detenus and also released on parole a good number of detenus to attend on their sick relations, to perform obligatory ceremonies and so on.

All this time, in the All-India sphere momentous events were in the making. The prolonged parleys between the Congress leaders on the one hand and Sri M. A. Jinnah and the British Government on the other, at last led to the convening of the Constituent Assembly, the decision of the British to withdraw from India, the arrival of the new Viceroy, Lord Mountbatten, the partition of India into India and Pakistan and, finally, the Declaration of Independence (July 1947 with effect from 15th August 1947).

The dawn of freedom was greeted in Madras with great rejoicings. Everywhere there was jubilation that the cherised goal had at last been reached, and satisfaction that the British were departing as friends leaving no bitterness behind. The Independence Day was celebrated with not a little enthusiasm alike in the City and in the districts.

REVIVAL OF ART COTTAGE INDUSTRIES IN MADRAS.

[Written in 1950.]

There was a time when Madras was famous not only in India but also in Europe for her several art industries carried on in numerous cottages scattered in hundreds of villages. It was the age of man and not of the machine. It was also the age when our Indian rulers and Indian nobles took not a little delight and pride in patronising art, in fostering all that is associated with skill and beauty.[1] No wonder therefore that when the English established themselves in India they lost no time in making capital of these beautiful art industries. So far as Madras was concerned, bales after bales of our finest handlooms, palempores, chintzes and muslins dyed with the most pleasing vegetable dyes or wrought with the most tasteful oriental patterns, were exported by them to the various parts of England and Europe. Nor were they insensible to the charming woollen carpetings displaying the most harmonious colours or to the tasteful carvings made in wood and ivory and metalware exhibiting the most exquisite workmanship. Just as the finest handlooms went to deck the persons of princes and other richer classes in Europe, the finest carpetings and carvings went to decorate their fashionable mansions.

Handlooms, of course, found much greater favour among Europeans. It is said that the demand for Indian handlooms became so great that in 1700 a law was passed in England by which all wrought silks, mixed stuffs and figured calicoes, the manufactures of India, were forbidden to be worn or otherwise used in Great Britain. This law, however, proved of little or no avail against the prodigious importation of cheap and attractive Indian piece-goods of that time.[2]

In fact, the whole of the eighteenth century must be regarded as a period of boom for the Madras handloom industry of all sorts, artistic as well as non-artistic. One cannot read the records of this period without being struck by the great encouragement given to this industry by the East India Company. They formed weavers' colonies in or near their settlements; they advanced money to the leading merchants of Madras, of Cuddalore, of Masulipatam, of Conjeevaram, of Madurai, of Salem and of several other handloom centres for the manufacture of various kinds of cloth; they allowed remissions in times of famine and distress; and they annually sorted, priced, purchased and exported all the cloth produced to England. No Indian prince could have done

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1 Report of the Indian Industrial Commission, pages 6, 165.

2 Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 3.

better for fostering this industry; none could have provided a wider market. Thus, under the patronage of the Company, the industry grew to great proportions.

All this, however, was done not without any selfish motives. England, nay the whole of Europe, could, in those days, get no better or cheaper cotton fabrics than the Indian cotton fabrics and some of the finest cotton fabrics were then produced in Madras. The East India Company therefore must have made immense profits by their trade in cloth or, as it was then called, "the Investment." But, in course of time, the position changed completely. The Industrial Revolution came in Europe. Machine replaced man. Chemical dyes replaced vegetable dyes. Raw materials, not finished goods, then became the primary needs of Western Countries and Western industrialists. And with the raw materials and machinery they began to turn out cheap, even artistic goods in ever increasing quantities. Vested interests now clamoured for Eastern markets. And, all the time, the subtle, powerful, insidious influence of Western taste and fashion began to invade and undermine all ideas of Eastern taste and fashion among Indians. The rulers thus imposed their imprimatur on the ruled. Under all this stress and strain our handloom industry, our woollen carpet industry, our wood and ivory carving industries and our artistic metal industry, began rapidly to decline. Import of mill-made or machine-made goods now became the order of the day. English as well as Indian patronage was, in this manner, more and more withdrawn from our indigenous art industries with the result that we see them occupying a precarious position today.

The gradual languishing of these industries was noticed with great concern by many a thoughtful observer and well-wisher of our country. Towards the end of the last and the beginning of the present century lovers of Indian art like Edward Balfour, E. B. Havell, Edgar Thurston and Alfred Chatterton sounded a note of warning saying that, unless something was done to revive the ancient art industries, they would soon sicken and die.[1] And soon the cry for revival of not only the art but also the other indigenous industries was echoed by Indian industrialists and Indian politicians and the Government was thereby compelled to look into the matter. The result was the summoning of an Industrial Conference at Ooty in 1908 and the appointment of an Indian Industrial Commission in 1916. Since then, much discussion has taken place on the ways and means by which our art

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[1] Cyclopædia of India 1885 by Edward Balfour Vol. I, page 171.

Cotton Monograph on Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 3 sqq.

Monograph on Woollen Fabric Industry of Madras by Edgar Thurston, 1898, pages 3–4.

G.O. No. 563, Revenue, dated 11th March 1901—*See* the Memorandum on the encouragement of Indigenous Industries in India by Chatterton.

G.O. No. 3220, Revenue, dated 1st October 1910—*See* the Industrial Problem by Chatterton.

industries can be revived and developed, but very little has been done to make them occupy the noble niche that they formerly occupied in the cultural heritage of Southern India.

Let us first compare the past and the present condition of our art industries before we see what has been done to revive them.

Madras was once celebrated for its palempores and chintzes. The term palempore was in those days applied indiscriminately to all varieties of block printed or hand painted cottons including canopies, prayer cloths, mats, bed covers, screens, handkerchiefs, turbans and cloths for male and female wear[1]. The term chintz was also generally employed to describe any dyed or printed cotton, thereby including in its category all palempores as well[2]. The artistic work by which hand printing or painting was done was called "Kalmkari" work. The chief centres of the finest palempores or chintzes in ancient days were Masulipatam, Pallakolu and Gollapuram in the north, Kalahasti and Wallajanagar in the centre and Kumbakonam, Tanjore, Pamban and Madurai in the South[3]. The palempores of Masulipatam had a European reputation, especially those which could be used as screens or canopies, printed by hand, designed in beautiful colours and displaying the representations of the Persian tree of life, covered with flowers, parrots and other birds perched or flying among its branches and rendered more picturesque by animals resting under its shade or drinking the limpid waters of a stream.[4] Such cloths were also made to portray flowers or various subjects of Hindu mythology, such as scenes from the Ramayana and the Mahabbharatha[5]. Their beauty, it must be realised, consisted in the skill and delicacy with which they conveyed the religious or philosophic concepts of the people and portrayed the natural surroundings amidst which they lived. Indian ideas clothed in Indian garb could not but win the admiration of all lovers of art whether Indian or European.

But all this is now past glory. At present the palempore industry is virtually dead. There are very few families who possess a knowledge of this art; and their workmanship is said to be crude, corrupted by foreign fashion and ruined by foreign

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[1] Monograph on Cotton/Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 13.

[2] Cotton Painting and Printing in the Madras Presidency by W. S. Hadaway, 1917, page 1.

[3] Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, pages 13-14.

Imperial Gazetteer of India, 1907, Vol. III, page 188.

Journal of Indian Art Industry, Vol. VII, 1896-97, later portion pages 28-30.

[4] Monograph on Cotton/Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 13.

[5] Journal of Indian Art and Industry, Vol. VII, 1896-97, later portion, pages 29-30.

dyes.[1] Edgar Thurston who wrote a monograph on cotton fabrics in 1897 observed that palempore manufacture was fast disappearing everywhere and that there were then only three families in Masulipatam who knew that art.[2] W. S. Hadaway, who wrote a monograph on cotton painting and cotton printing in 1917, remarked that, in spite of the great and rapid development of the European cotton fabric trade. even so late as the middle of the nineteenth century, there was still a considerable demand for palempores, but that, at the time of his writing, the industry was rapidly declining for want of encouragement.[3] Havell is said to have, towards the close of the last century, discovered in Wallajanagar and Arcot, in nearly every weaver's house, old blocks of elaborate and beautiful designs, many of them of Persian origin, piled up in corners or on the roof, covered with dust or cut to pieces and used for poor patterns. He is said to have salvaged out of these blocks more than 200 splendid specimens which now occupy an honoured place in the Madras Museum.[4] It is not surprising, therefore, that in 1928 the Special Officer appointed to enquire into the condition of the Cottage Industries reported that cotton printing for which Masulipatam was once famous " is now a dying industry."[5] He said that, although there were two firms engaged in "Kalmkari" work there, there were only two workmen skilled in the ancient art of making palempores.[6] It does not appear that the conditions are better in other districts.

Another cotton fabric industry for which Madras was equally celebrated was the manufacture of muslins. The principal centres of this industry were Arni, Conjeevaram, Kalahasti, Coimbatore, Salem, Tanjore and Madurai.[7] It is said that the muslins of Arni were inferior only to those of Dacca and that even so late as 1851 they won the admiration of all at the Great Exhibition held in London.[8] There has no doubt been a great falling off in this industry, but still it cannot be said to have very much deteriorated.

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1 Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, pages 13, 16.
G.O. No. 1277, Development, dated 4th August 1928—*See* Special Officer's Report, pages 20–21.
G.O. No. 2211, Development, dated 13th December 1929—*See* Special Officer's Report, page 13.
G.O. No. 2211, Development, dated 13th December 1929—*See* Special Officer's Report, page 21.

2 Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 13.

3 Monograph on Cotton Painting and Printing in the Madras Presidency by W. S. Hadaway, 1917, pages iii, 4.

4 *Idem*, page 14.

5 G.O. No. 1277, Development, dated 4th August 1928—*See* Special Officer's Report, pages 20–21.

6 G.O. No. 2211, Development, dated 13th December 1929—*See* Special Officer's Report, page 21.

7 The Indian Empire by W. W. Hunter, 1886, page 606.
Imperial Gazetteer of India, Vol. III, page 202.
G.O. No. 2211, Development, dated 13th December 1929—*See* Special Officer's Report, pages 4, 8, 24.

8 Cyclopædia of India by Edward Balfour, 1885, Vol. I, page ii-iv.
Indian Empire by W. W. Hunter, 1886, page 600.

We can still boast of the finest handlooms of Uppada, Peddapuram, Kalahasti, Satyamangalam and Coimbatore going up to even 200 counts. It would, however, appear that their market is now not so wide nor the condition of the weavers who make them so flourishing[1].

Closely allied with the cotton fabric industry there was in Madras the dyeing industry which was at one time the "cynosure of neighbouring eyes." There is ample evidence to show that the deep, subdued and composite tints produced by our vegetable dyes were "at once the aspiration and despair of artistic European dyers"[2] Balfour who had the eye of an artist attributed the power of colouring beautifully, of achieving a happy combination of tints, to the traditional instincts of Orientalists never to be attained by Europeans by any scientific methods[3]. Again, the fastness of many of our dyes was unquestioned[4], and the fugitiveness of some of them was ascribed to the desire, then as now prevalent, among some people who wish one and the same cloth to be dyed each time in a different colour. There were indeed fast dyes as well as fugitive dyes but all dyes were, without exception, pronounced by lovers of art to be wonderfully pleasing to the eye[5]. It is a mistake to suppose, as some have supposed, that their colour scheme was very limited; it might not have been as wide as the colour scheme of chemical dyes, but it was wide enough to cover a large variety of tints.

It is neither possible nor desirable to give here in detail the recipes and processes of manufacture of the various dyes used in the past. They are so many and so detailed that they demand a special note by itself. It is perhaps sufficient to mention here the chief dyes and the chief materials out of which they were prepared. And here it is also worth noting that the dyers knew not only much about colouring materials but also much about mordants. The recipes in use in 1851 were as follows:—Kusumba, or red dye of first sort, was prepared from Kusumba or Safflowers and Saffron; Gulumba, or rose dye, from Kusumba and Billekaram; Nauranjah, or orange dye, from Kusumba, turmeric, limes and Billekaram; Pahj from Kusumba, limes and Billekaram; Puckha Karoorah from gall-nut, alum and Chirunja

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[1] G.O. No. 2211, Development, dated 13th December 1929—*See* Special Officer's Report, pages 4, 8.

[2] Cyclopædia of India by Edward Balfour, 1885, Vol. I, page 589.

[3] *Idem*, Vol. I, page 589.

[4] Monograph on Dyes and Dyeing in the Madras Presidency by Edwin Holder, 1896, pages 1, 7, 16.

The Indian Empire by W. W. Hunter, 1886, page 599.

The Journal of Indian Art and Industry, Vol. VII, 1896-97, later portion, page 23.

[5] Cyclopædia of India by Edward Balfour, 1885, Vol. I, page 589.

Monograph on Dyes and Dyeing in the Madras Presidency by Edwin Holder, 1896, page 1.

Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, pages 6, 7, 16.

roots; Karoorah, second sort, from gall-nut, alum and Pathungoo bark; purple by immersing the cloth dyed red in vinegar; blue from indigo and Kusumba; green from indigo and turmeric and yellow from saffron, turmeric and gall-nut. For wool a brilliant red dye was prepared from the lac insect; another red dye was made out of chips of Putteny wood; a third red dye was prepared from roots of Papli. Ordinary black dye was produced by putting old pieces of iron into water containing ragi flour and a small quantity of gur; and a finer and more permanent black dye was obtained by putting iron pieces into a cold solution of hera cas (sulphate of iron), gur and a small quantity of powder of hullah nut.[1]

Edgar Thurston in his monograph on cotton fabrics published in 1897 decries the crude, bright aniline and alizarine dyes which were then fast coming into vogue and praises the cool and subdued compound tints of indigenous dyes. He applauds the beautiful vegetable reds of Madurai and Conjeevaram and admires the lovely coloured saris of Adoni, Arni, Kampti, Madurai and Tanjore and the sweet satins of Ayyampet.[2] Edwin Holder in his monograph on dyes published in 1896, gives a description of the various materials and processes by which the dyes in olden days were prepared. Under the indigenous colouring substances he mentions sticklac which yields a very fine crimson dye; Noona plant or Chay-root or Sooranjee which gives a fine clear red; Porasam flower or Palas flower which gives yellow and orange; Vertangi or Patang or Saffron wood chips which gives orange and red; the seed of the Jabra plant which gives yellow and orange; Avarai or indigo and Pala from which blue is prepared; leaves of the Kasa tree from which yellow is made; Annabedi or sulphate of iron from which black is obtained; turmeric from which yellow is got; Sembrumpatti which with the Noona-root and Kusumba yields a fine red and Red Sanders wood which yields another red dye. Among mordants he mentions Appalakaram, Paddikaram (alum), seeds of the Tagarai plant, chunam, Kaddukai (gall-nut) Pista (tree gall), sheep's dung, gingelly oil, milk-hedge, lime juice, soda and marking nuts. He remarks that the dyes made out of indigo and the Noona-root are by far the most permanent, and that the permanency of the others depends on the mode in which they are prepared and the mordants used.[3]

We should not forget that this dyeing industry was even more important than the art fabric industry, since it supplied dyes not only to all art fabrics but also to all non-art fabrics as well. It is therefore a pity that it has now completely disappeared. Its decline dates from about 1880 with the importation of foreign

1 Proceedings of the Central Committee for the Exhibition of the Industry and Art of All Nations held in London in 1851. Published 1853, pages 75, 105.

2 Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, pages 6, 7, 16.

3 Monograph on Dyes and Dyeing in the Madras Presidency, by Edwin Holder 1896, pages 1-8.

chemical dyes.[1] By about 1900 we find that the aniline and alizarine dyes of Austria and Germany had more or less effectually driven out all vegetable dyes from many parts of our State.[2] By 1918 we find that they had scored a complete victory everywhere over our vegetable dye industry.[3] When during the Second World War the importation of chemical dyes became an impossibility and the revival of the vegetable dyes became a necessity, it was found that no one knew the indigenous art of dyeing. The All-India Spinners' Association knew no more than the preparation of a couple of crude vegetable dyes ; and the Department of Industries could suggest only a few bloodless recipes which were found to be practically good for nothing.[4]

The next important art industry which claims our attention is the woollen carpets and rugs industry. Madras in olden days was noted for this industry which had its chief centres in Ellore, Masulipatam, Bellary, Wallajanagar, Tanjore and Ayyampet.[5] Balfour pays an encomium to this industry and says that in point of texture and workmanship the carpets and rugs from Ellore and Tanjore were greatly preferred to the Northern Indian Carpets.[6] He also refers to the beautiful South Indian Carpets displayed at the Madras Exhibition of 1857, particularly those from Ellore which were bright and harmonious in colour, closely woven and dexterously varied in pattern.[7] Havell too held these carpets in high estimation, and Thurston attributed much of their beauty to their excellence in colouring provided by the vegetable dyes.[8] There were ten principal colours used in their making, white, ivory white, green, orange, rose, red, black, sky-blue, burnt umber and khaki.[9] But the colours which mostly predominated were the full Indian red, a pleasing orange, a cool low blue, a green of similar gravity of hue and a soft creamy white.[10] The beauty of these colours was not a little enhanced by the charming, skilful patterns of pure Indian origin. The patterns were mostly floral, not geometrical. The carpets and rugs had a great demand in Europe.[11]

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1 Monograph on Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897, page 4.

2 *Idem*, pages 4, 16.

3 Report of the Indian Industrial Commission, 1916–18, page 164.

4 G.O. No. 191, Development, dated 1st February 1941.
G.O. No. 207, Development, dated 29th January 1942.

5 Cyclopædia of India by Edward Balfour, 1885, Vol. I, page 586.
Monograph on Woollen Fabric Industry of the Madras Presidency by Edgar Thurston, 1898, page 3.

6 *Idem*, page 584.

7 *Idem*, page 586.

8 Monograph on Woollen Fabric Industry of the Madras Presidency by Edgar Thurston, 1898, pages 3–4.

9 *Idem*, page 4.

10 Cyclopædia of India by Edward Balfour, Vol. I, pages 588–89.

11. *Idem*, pages 588—89.
Proceedings of the Madras Central Committee for the Exhibition of the Industry and Art of All Nations held in London in 1851. Published 1853, page iii.

But today this industry has lost much of its charm. Ever since the introduction of chemical dyes the carpets have lost much of their beauty; and ever since the introduction of western patterns and designs—and this happened since about 1850—they have lost much of their aesthetic appeal.[1] Moreover, during the last fifty years, on account of the scarcity and high price of live wool, the workmen have largely used dead wool or chunam wool.[2] And, what is more, the workmen are now putting in less stitches and manufacturing only ordinary carpets. Superior carpets are now made only to order and even these can by no means be considered equal to the superior quality carpets made in olden days.[3]

And now we come to a group of minor industries for which Madras was once held in high estimation by all lovers of genuine art; namely ivory carving, wood carving, artistic metalware, artistic pottery and artistic toys. None of these industries covered any wide areas; almost every one of them was confined to one or two districts at the most. But all of them showed delicate skill or exquisite workmanship and all of them reflected our culture.

The main seats of the ivory carving industry in the south were Travancore, Mysore and Vizagapatam. Under the personal patronage of the rulers of the first two States the industry greatly prospered in the past. In Travancore were made palanquins, idols, human forms, animals, birds, fish, fruits, leaves, flowers, creepers and trees of ivory. In 1850 Raja Marthandavarma sent as a present to Queen Victoria an ivory throne elaborately carved and beautifully set with jewels. It was exhibited at the Great Exhibition of 1851 and much admired by the people. In Vizagapatam also no less exquisite workmanship was shown in floral and artistic decoration work not only in ivory but also in bison and stag horns and porcupine quills. Much of its beauty however lay in inlaying work. Sir George Birdwood writes that it was applied to the same class of articles as Bombay inlaying, such as jewel cases, work-boxes, desks, chess-boards, etc., and a variety of fancy articles[4]. It does not appear that there has been a considerable falling off in this industry. It is still said to be in a fairly flourishing condition and among the articles manufactured are mentioned fancy articles, idols and pictures of Hindu deities, floral work and miniature engraving of animals, birds, etc.[5] This is perhaps the only art industry which has not been mauled by time.

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1. Cyclopædia of India by Edward Balfour, Vol. I, pages 588—89.
Monograph of the Woollen Fabric Industry of the Madras Presidency by Edgar Thurston, 1898, pages 3—4.
Paper No. 5 (Confidential) of the Industrial Conference of 1908, page 51.

2. G. O. No. 11, Development, dated 5th January 1928, pages 5–6.
G. O. No. 1277, Development, dated 4th August 1928, pages 21–22.

3. G. O. No. 1277, Development, dated 4th August 1928, pages 21–22.
G. O. No. 2211, Development, dated 13th December 1929, pages 33, 45–48.

4. Monograph on Ivory Carving Industry of South India by Edgar Thurston, 1901, pages 3–9.

5. G. O. No. 2211, Development, dated 13th December 1929, page 24.

The same thing, however, cannot be said of the wood carving industry. Its chief seats in the past were South Kanara, Tirupati, and Madurai. South Kanara with its abundant forests was at one time the home of the most deft, skilful and artistic wood carvers. These carvers had a Shasthrum of their own which, with wonderful exactitude and keenest technical knowledge, defined and described the various kinds of wood that could be utilised for rough as well as delicate carving. At Moodabidri are some splendid carved pillars in the ruined palace of Chautor, the old local Jain chieftain; two of these pillars are said to bear representations of the "pancha-nariturage," the horse composed of five women. The doors of the old Jain Basti at Moodabidri are also most elaborately carved. And even the ancient family houses all over the district display much artistic wood-work, doors, pillars, or roofs richly carved. Tirupati too bears witness to the ancient artistic wood-carving industry. Here, it is said, one can come across wood carving on door frames, lintels, etc., even in the most obscure villages. Madurai likewise was at one time equally noted for wood carving. Beautiful carvings showing artistic skill can be seen in the Kalyana Mahal, in the Sree Meenakshi Temple and on the cars belonging to it, and even on the doorways of several ancient houses.[1] All this art is now no more. Alike in South Kanara, Tirupati and Madurai, the wood-carving industry has greatly degenerated.[2] Modern wood-work shows none of the rich massive effect or the delicate workmanship of the ancients. It is now mostly confined to the carving of small idols or the making of toys, utensils and fancy articles.[3]

Artistic metal industry does not seem to have suffered so badly. But still it has lost many of its attractions. In olden days Tanjore was much more famous than today for the manufacture of a large variety of fine metalware showing a combination of copper and silver, or brass and copper or of graven brass. So also was Tirupati which made bronze idols, Vellore which made pierced brass trays engraved with mythological figures, Sivaganga which made brass models of lizards, cobras, frogs and various kinds of insects and Kurumbalur which made brass trays inlaid with zinc. We are also said to have now virtually lost the art of making fine ornamental brass and bronze work in the shape of many-branched lamps, sacrificial utensils and exquisite images. Most of our metalware no doubt still possesses some artistic merit, but a great deal of it has lost the religious touch to make any very deep impression on the imagination. One need only compare the old artistic metalware with its present prototype to come to this conclusion.[4]

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[1] Monograph on Wood Carving in South India by Edgar Thurston, 1903, pages 6–9.
G.O. No 1586, Development, dated 22nd August 1930, pages 78–79.

[2] *Idem.*

[3] G.O. No. 2211, Development, dated 13th December 1929, pages 34–35.

[4] Paper No. 5 (Confidential) of the Industrial Conference of 1908 pages 24–25.
G.O. No. 2211, Development, dated 13th December 1929, pages 25, 37, 40, 49.
G.O. No. 1586, Development, dated 22nd August 1930, page 79,
G.O. No. 1459, Development, dated 21st June 1940, page 56.

Nor has artistic pottery fared better. In olden days, there is reason to believe, that our art pottery had many votaries in our State. Some of the vessels found in ancient cairns and cromlechs in several districts were said to be of great size and excellent finish. This ancient pottery, it is said, far surpasses any of the same class now made in India and bears a striking resemblance in the great variety of its shapes, its decorations and the quality of the ware to the fine pottery found in old Etruscan and Roman tombs.[1] The clay of which this pottery was made was of a very superior quality and the articles were often varnished and incised with linear patterns. Pottery of this type of which some samples are said to be in the Madras Museum has now become a lost art.[2] The glazed pottery of Madurai mentioned by Birdwood has also now become a lost art.[3] At present at Karigiri in North Arcot District several kinds of vases and other articles with a pretty green glaze are made out of a fine white clay found locally. These articles have been much appreciated and even exhibited at the Wembley Exhibition. At Panruti and Villupuram in South Arcot District some glazed pottery is made as well as representations of fruits, Hindu gods, etc., out of china-clay available locally. At Uppinangadi and some other places in South Kanara, water vessels and toy representation of articles used for domestic and ceremonial purposes are made in black clay. But in all these places art pottery is on the decline and is simply struggling for existence. The potters are poor, unable to find markets and mostly indebted to merchants.[4]

The same atmosphere of want and decadence mars the picture of the artistic toy industry of today. Before the advent of machine-made foreign toys our ancestors, or such of them as had any artistic taste, must have taken not a little interest in encouraging the hand-made toy manufacture of our own country. We had no rubber, celluloid or tin toys, but we had an ample variety of wooden, lacquer and brass toys. We have already seen how Sivaganga was once noted for making brass models of lizards, cobras, frogs and various kinds of beetles. There is evidence to show that Kondapalle, Nossam and many places in Vizagapatam district were then equally noted for making beautiful wooden and lacquer toys of figures or groups of figures, animals and all sorts of natural objects. There must have been other centres as well of artistic toy-making, although we have no definite information about them. However, on account of foreign competition and change in taste, our artistic toy industry soon lost much of its market and it is now only pitifully struggling in Sivaganga, Kondapalle and a few

1 Journal of the Indian Art and Indnstry, Vol. VII, 1896–97, pages 7–8, later portion.

2 Madras Manual of Administration by Maclean, Vol. I, page 362.
Journal of the Indian Art and Industry, Vol. VII, 1896–97, pages 7–8, later portion.

3 Paper No. 5 (Confidential) of Industrial Conference of 1908, page 37.

4 Paper No. 5 (Confidential) of Industrial Conference of 1908, page 37.
G.O. No. 1468, Development, dated 4th December 1933, page 20.

villages in Vizagapatam district. Its demand is now chiefly confined to festival seasons at pilgrimage centres. There is little doubt that, for want of encouragement, the industry is now deteriorating.[1]

Such was the past and such is the present. Of the several art industries for which we were once famous, our finest palempore and finest muslin manufacture has now almost completely vanished. So also has vanished our much admired dyeing industry which was at one time " the aspiration and despair " of Europe. Our carpet industry has lost much of its fame and much of its pristine purity. Our ivory carving industry has in some measures escaped this rack and ruin but our wood carving industry has hopelessly degenerated, while our artistic metal, pottery and toy industries are now no more than carrying on a precarious existence.

The question then naturally arises whether any attempts have been made to revive these industries and, if so, why these attempts have proved futile. Now, the Government Textile Institute, no doubt, among other things, affords instruction in handloom weaving and dyeing.[2] But there is nothing to indicate that it teaches the manufacture of fine palempores or the making of fine muslins. And what it teaches in dyeing is not the preparation of indigenous dyes and their application but the dyeing of cloth with foreign chemical dyes. The School of Arts and Crafts provides, in its craft section, instruction in cabinet making, metal working, engraving, enamelling, lacquering and pottery. The Government School of Technology teaches, among other things, casting and metal working. A few of these subjects are also taught in the seventy and odd aided Industrial Schools.[3] Besides this, attempts have been now and again made to send out peripatetic parties to the villages for demonstration in better methods of handloom weaving, woollen carpeting, pottery, etc. But these measures have, it must be admitted, not materially contributed to improve the condition of our art industries.

Again, it is well known that financial assistance for the establishment of industries, including cottage industries, is afforded under the State Aid to Industries Act. Recently, after much discussion, the definition of " Cottage Industries " has been liberalised. Formerly the term was taken to refer only to " industries carried on exclusively for the benefit of, or by workers in their homes and not industries carried on for the benefit of middlemen, although the workmen happen to work not in factories but in

[1] G.O. No. 1277, Development, dated 4th August 1928, page 23.
G.O. No, 2211, Development, dated 13th December 1929, page 60.
G.O. No. 27, Development, dated 6th January 1930, page 15.
G.O. No. 1017, Development, dated 3rd May 1940, pages 3–10.

[2] G.O. No. 2334, Development, dated 20th September 1938—*See* the Memoranda on Schemes for helping educated young men in starting small Industries.

[3] *Idem.*

their own cottages." In practice this definition was found to be restrictive as it had often not been possible completely to dissociate the workers from the middlemen capitalists. The definition of the term has therefore been relaxed so as to permit the grant of loans to cottage industries carried on by workers in their own houses even though the middlemen stand to benefit, in greater or lesser degree, by the cottage workers' labour. The new definition has been simply "industries carried on by the workers in their own home."[1] This might have, in some measure, generally assisted cottage workers to obtain loans for starting their industry. But the fact that the art cottage industries are not thriving, or showing any signs of promise, shows that the liberalised aid given has proved infructuous in the case of art workers.

Further, in recent years, grants have been given by the Government of India for the improvement of handloom weaving industry on co-operative lines and for the development of the Ellore pile carpet and cumbly weaving industries. With the help of these grants the Madras Handloom Weavers' Provincial Co-operative Society has been set up; a pile carpet weavers' co-operative society has been started at Ellore and some cumbly weavers' co-operative societies have been organised in the districts. A number of primary production societies for handlooms have also been opened in the districts and all these have been linked up with the Handloom Weavers' Provincial Co-operative Society. The Provincial Co-operative Society has appointed a merchant as its marketing officer and opened several sales depots at important centres. Indeed, in recent years, co-operation has been prescribed as a remedy for all the ills of industry.[1] But there is little to show that co-operative societies have contributed to revive our palempore or muslin industries or to improve our Ellore carpet industry in any large measure. There is little to show that either finer or better artistic carpets are now made at Ellore or elsewhere than those manufactured in olden days. Information available, on the other hand, points to a decay in taste and texture caused by the adoption of foreign patterns and by the use of chemical dyes and dead wool.[2]

If there is any organisation that has done something for our art industries, it is the Victoria Technical Institute. Composed mainly of a body of lovers of art and assisted partly by the public and partly by the Government, it has taken upon itself the collection, the exhibition and the sale of some really fine art productions of our State. By accepting only the best articles and insisting on quality rather than cheapness it has no doubt been gradually inducing the craftsman to return to the higher standard of work formerly in vogue.[3] Recently it has also tried to sell some of the art goods through an agent in London. But it has

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1 G.O. No. 2334, Development, dated 20th September 1938—*See* the Memoranda, etc.

2 *See* page 35 *ante*.

3 Report of the Indian Industrial Commission, 1916-18, page 166.

not succeeded much in this attempt.[1] Indeed, as it is, it cannot be said to have generally succeeded in giving any very powerful impetus to our art industries. It lacks a sufficiently aggressive policy, does nothing to instruct the craftsman, to criticise his work or to supply him with raw materials and designs. It establishes no direct contact with the workmen who remain isolated in the villages and makes no endeavours to hold periodical art exhibitions or to push the sales in every possible market in India and abroad.[2]

What then can be done is a question which demands a careful consideration. The first essential thing to be done is doubtless the creation of a sufficiently large demand for our art goods. In days gone by, this demand was fostered by the patronage of our Indian rulers, nobles and other higher classes. And even at the present moment it is undeniable that, if fine arts flourish anywhere in our country, they flourish only in the States ruled by Indian Princes. That is because the rulers of these States, in spite of foreign influences, have not failed to patronise indigenous fine arts. As has been shown, the same was not done by our British rulers, at any rate, after the Industrial Revolution in Europe.

Now is the time to rise from this lethargy and to rouse the enthusiasm of the people for all that is precious and dear to us. We must be induced to cast off all that is foreign in the domain of art and to put on all that is national, all that reflects the cultural glory of our land. Propaganda and advertisement are powerful weapons in the modern world; and these should be strenuously employed to gain for our art goods the patronage of the well-to-do classes. The radio and the press should be enlisted in support of this national campaign; art festivals should be organised both inside and outside our State on all important occasions; art galleries should be opened and art exhibitions periodically held in every district. The conduct of such displays should not be left to any one but the real lovers of art. It is better left to the Victoria Technical Institute or bodies constituted by that Institute. It is easy to corrupt tastes but difficult to purify them; and hence the greatest caution is needed in selecting the agency for organising displays. Nor should the leaders of the people fail to set an example to the multitude. It has been said that the drawing room of a Japanese breaths essentially of a Japanese atmosphere, the pictures, the mats, the furniture that adorn it being typically and essentially Japanese. If we can somewhat approach this ideal, it is obvious that our art industries cannot fail to find markets, cannot fail to prosper.

Advertisement and propaganda should also be carried on in all possible foreign countries likely to afford a market for our art

[1] G. O. No. 416, Development, dated 28th March 1934.
G. O. No. 1088, Development, dated 3rd August 1935.
G. O. No. 1289, Development, dated 10th June 1937.

[2] Report of the Indian Industrial Commission, 1916-18, page 166.

goods. It was at one time suggested by Sir John Atkinson, when he was a Member of the Government as well as the President of the Victoria Technical Institute, that for this purpose no better agency could be employed than the Victoria Technical Institute. He suggested that the Government might assist the Institute to send out art travellers to Europe and America, whose sole business would be to popularise our art goods among foreigners[1]. There seems to be every reason at present to predict a succees for this scheme, now that the travellers could enlist the aid of our Indian Embassies abroad. It is also worth considering whether permanent displays cannot be organised in these Embassies.

It has been again and again urged that, as in the case of ordinary goods so in the case of art goods, co-operative marketing societies should be organised.[2] It would indeed be a good thing, if this could be done, if the craftsmen could be rescued from the clutches of the middlemen sowcars and induced to seek salvation in co-operation. But it is doubtful if this could be done at all successfully at this stage, seeing that the majority of them are now improvident, indebted to middlemen, averse to co-operation and ignorant of the first principles of running a business. It is because of this that some of the ablest officers have hesitated to recommend co-operative sales societies. Nor have they seen much prospects in co-operative credit societies. They have held that unless the craftsmen are better educated and released from their bondage to middlemen, if necessary, by assisting them with funds to wipe off their prior debts and start on a clean slate, co-operative credit societies can never become a success.

We may do well to peep into this subject a little. In an interesting note submitted to the Government in 1930, Sir Hugh Hood, the then Registrar of Co-operative Societies, has given a vivid account of the difficulties to be met with in forming co-operative societies among weavers; and what he has said about weavers is equally applicable to other cottage workers. The problem of the weavers, he said, is the disposal of finished goods; and in this matter the small men (the weavers) are under the clutches of the big men (the middlemen) and the big men are unwilling to give equal treatment to small men. This is borne out by the history of the weavers' co-operative society started at Conjeevaram. Soon after it was started it was found that the weavers could not be expected to manage the society themselves. They could get no credit and, when credit was provided by including some non-weavers in the society, they could get no market for their goods. Nor could the members be relied upon to bring

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1 Paper No. 5 (Confidential) of the Industrial Conference of 1908, page 3.

2 *See*, e.g., G.O. No. 11, Development, dated 5th January 1928, page 6.

G.O. No. 2211, Development, dated 13th December 1929, pages 47–48. of the Special Officer's Report.

G.O. No. 1069, Development, dated 26th June 1929, pages 3–4.

G.O. No. 1459, Development, dated 21st June 1940, page 56.

G.O. No. 1077, Development, dated 3rd May 1940, page 7.

in the quality and quantity of the cloth they had promised to bring. Some even failed to bring in anything and sold the cloth or the yarn to others. Several slipped again under the wings of the middlemen master weavers. The working capital of the society soon got locked up with the defaulters and several of these had to be prosecuted in the civil courts. In order to ensure the return of finished goods the weavers were next made to work in a factory, but they never came regularly to work and their out-turn became poor. All the same the finished goods could not be provided with a market. After giving this account Sir Hugh Hood goes on to say that attempts made in many places to start co-operative societies failed on account of the opposition of the master weavers. Even where credit societies alone were formed for the benefit of such of the weavers as did not depend upon master weavers, in order to enable them to take small loans to buy raw material and repay the societies after they sold the finished goods, it was soon found that loans for other purposes had to be given, such as payment of prior debt and building of houses, with the result that the money was locked up and was not available for weaving purposes. From this Sir Hugh Hood concluded that there was practically no impulse within the community to improve. The weavers were poor, improvident, indebted to master weavers or merchants and loans could be given them only with great caution and any efforts to help them could only have a very slow result.[1]

In 1939, Mr. Dixon, then the Collector of Salem, said that there were nine co-operative societies of weavers in his district. They aimed at taking the place of the middlemen sowcars who advanced raw material to the weavers and took back the finished goods, after paying the weaver his wages. They arranged to market the finished goods through their sales depots and other co-operative organisations both in the Salem district and in the other districts. They were also assisted in the marketing of goods and in technical matters by the Madras Handloom Weavers' Provincial Co-operative Society. Notwithstanding all this Mr. Dixon was not in the least satisfied. He saw no prospects in co-operation. The main difficulty in the way of co-operative societies, he pointed out, was the lack of adequate funds. While it was possible, he thought, for the societies to raise the necessary funds for beginning the business of financing manufacture, these societies were unable to raise the funds necessary to keep the business going until the finished products already taken over by them were sold and the money locked up in these finished products was thereby released for further use. The result was that, he remarked, very soon the available resources of the societies got locked up in the stock of finished goods and the societies were therefore unable to finance their members further. And cottage workers who entirely depended upon advances

[1] G.O. No. 1992, Development, dated 30th October 1930, pages 17–27.

deserted the co-operative societies and went back to their former employers, the middlemen sowcars.[1]

In 1931, Sir Norman Strathie, who was then the Registrar of Co-operative Societies reported that, as in the case of the weavers' societies, so in the case of the metal workers' societies, the difficulty was the indebtedness of the workmen and their unsteady character. The workmen were entirely under the clutches of the master workmen. There were commonly, he said, three middlemen, between the actual worker and the purchaser of finished goods, who shared the profits of the business, namely, the master workman who gave the loan to the worker, the local dealer who bought the goods from the wholesale dealer and the wholesale dealer in Madras. Each master workman engaged a group of actual workers under him and paid their wages. Sometimes this master workman worked along with his men. The workmen had taken advances from the master workman who, in turn, had received advances from the wholesale dealer. The workmen had no property worth mentioning, so that the debt was carried from year to year. And unless this burden of debt was removed it was not possible to bring the workmen into a co-operative society. Similarly the master workmen were under obligations to work for the dealers and in most cases they were not willing to form societies either exclusively for themselves or in conjunction with the workers. The dealers actually did not want to have any societies in their midst; and even where they agreed to work the societies for the benefit of the workmen they did not adhere to their agreement. The workers had no experience of marketing and hence they could not run a society themselves. It was not always possible to find an unselfish dealer who would give his services either free or paid. Thus the problem was a very difficult one indeed.[2]

In the light of all this it is, as has already been said, very doubtful whether any co-operative societies either credit or sale societies, can, at present, be formed among art workers. We have seen that a pile carpet weaving society has been formed at Ellore. It is not known how it is working, whether it is meeting with the same obstacles as were confronted by the handloom weavers' and metal workers' societies. However, it looks as if co-operation is attractive only in theory; it does not seem to be effective in practice where we have to contend with poverty, indebtedness and ignorance. It is only after these ugly symptoms are somehow removed that co-operation may be expected to succeed. That being so, it is worth considering whether the objects which the co-operative societies are intended to secure cannot be secured for the present through any other suitable agency.

1 G.O. No. 2933, Development, dated 2nd December 1939, pages 16–17.

2 G.O. No. 1317, Development, dated 3rd September 1931, page 37.

No better agency can be thought of than the Victoria Technical Institute. It is the only body in this State which has shown some interest in our art productions. It is perhaps the only body which knows what art handicrafts are practised in what parts of our State. It is also the only body best capable of judging the worth of our art productions. Neither the Industries Department nor the Co-operative Department, can be said to be competent to judge the worth of these productions. It is therefore only proper that the Institute should be encouraged and assisted to expand its activities. Under adequate subsidies it should be possible for the Institute to make a survey of the art cottage industries, to come into closer touch with the craftsmen to finance them with loans, to supply them with raw materials, tools, and designs and to help them in marketing their goods both in India and abroad. It has already been suggested as to what the Institute can do in the matter of finding overseas markets and organising art festivals, etc. All this would obviously provide credit and marketing facilities to the workers and free them from the clutches of the middlemen sowcars. And afterwards, when the sales improve and the workers' position also improves, the workers may themselves be relied upon to start co-operative societies with success.

One thing, however, which the Institute should be specially asked to do is to encourage only those of our indigenous art industries which represent our culture and to see that none of them are corrupted by foreign influences. Foreigners have been struck by the rapidity with which our arts and crafts are losing their individuality and character and getting stifled in a medley of design of foreign origin.[1] This is entirely out of sympathy with our culture and civilisation. Our country is rich in traditions, in monuments, in legacies of a great age of art. Purity of design should be preserved and improved upon but always with the idea of making it a distinctive national thing. And there is ample material in the plant and animal life of our country as well as in her temples, her monuments, her peoples, her costumes, her customs, her ceremonies, her religions and her philosophies, on which to fashion a grand school of national arts and crafts. We have till now left this business to the School of Arts and Crafts and to the Industrial Schools, without achieving any very substantial results. Havell, who was undoubtedly a great authority on Indian arts and crafts, once gave a warning when he said that such schools would be economically as well as educationally unsound. They would, he predicted, become costly failures; and they would, he said, substitute a commercial and secular system of teaching for an artistic and religious one[2]. It is perhaps time that we took heed of this warning.

So much in general. There are, however, some special needs that arise in the case of some of our art industries, which the

[1] *See*, e.g., G.O. No. 1210-1211, Development, dated 7th May 1921.
[2] G.O. No. 1210-1211, Development, dated 7th May 1921, pages 4-6.

Government alone are in a better position to supply. One such need is the provision of a Dyeing Factory in which all indigenous vegetable dyes can be prepared and standardised.[1] This will obviate the old elaborate and often lengthy and laborious processes of preparation of vegetable dyes. This will also obviate uncertain results and reduce the cost of preparation. Another need is the improvement of our breed of sheep in order to ensure an adequate supply of live wool of good quality for the manufacture of carpets. The best woolly breed in our State is the Coimbatore breed, generally all white; the black Mysore breed found in Bellary and parts of Kurnool and some other districts yields only a poor quality wool which often degenerates into straggling hair. Both these breeds should be increased and improved by establishing a sheep-breeding farm.[2] The attempts that are made at the Live Stock Research Station at Hosur appear to be still in an experimental stage. A third need is the provision of ceramic service stations near the centres of art pottery, where the grinding and crushing of raw materials and firing of glazed articles in modern kilns and the preparation of glazes and colouring materials can be undertaken.[3] It may be stated here that a detailed investigation has revealed that our State is rich in raw materials required for glazed and coloured pottery.[4] Other needs such as the provision of better tools and better designs and patterns can, perhaps, be left to be attended to by the Victoria Technical Institute. As for old designs and patterns they can still be seen in the Museum and in some special monographs.[5] And as for tools it should not be forgotten that our ancestors produced the best of art goods with the simplest of tools. What is wanted here is not a kit-bag of tools but genuine skill and artistic vision.

Forty years ago Chatterton said that the decay of our arts and crafts was due to centuries of subjection to a foreign yoke and that the vitalising force of nationality was very much needed to revive them again.[6] Now that we have freedom it is up to us to re-vitalise our nationalism to revive our arts and crafts and to make them yield a rich harvest of cultural glory.

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1 G.O. No. 207, Development, dated 29th January 1942.

2 G.O. No. 1069, Development, dated 26th June 1929, page 3.
G.O. No. 864, Development, dated 21st April 1930, page 5.

3 G.O. No. 274, Development, dated 31st January 1938, pages 2–3, 11–14.

4 G.O. No. 836, Development, dated 2nd June 1931.
G.O. No. 1468, Development, dated 4th December 1933.

5 *See*, e.g., The Journal of Indian Art and Industry, Vol. VII, 1896–97.
Monograph on the Cotton Fabric Industry of the Madras Presidency by Edgar Thurston, 1897.
Monograph on Ivory Carving Industry of Southern India by Edgar Thurston, 1901.
Monograph on Wood Carving in Southern India by Edgar Thurston, 1903.
Cotton Painting and Printing in the Madras Presidency by W. S. Hadaway, 1917.
Illustrations in Brass and Copper mostly South Indian by Edgar Thurston, etc., 1913.

6 G.O. No. 3220, Development, dated 1st October 1910—*See* Chattertons article, pages 560–61.

ACQUISITION OF ESTATES AND THEIR CONVERSION INTO RYOTWARI TENURE.

[Written in 1945 when the acquisition of estates and their conversion into ryotwari was contemplated. It shows to what extent this policy was attempted in the past, why, and by what methods. It also discusses all the implications of the several methods of acquisition.]

Proposals for the purchase of permanently-settled estates and their conversion into ryotwari tenure have been made from time to time, almost from the beginning of the last century down to the present. On several occasions that policy has been advocated, propounded and pursued, as being the only means of realizing the public revenue with regularity and, what is more important, of improving the condition of the ryots. On several other occasions, on the other hand, that policy has not been countenanced either because of some practical difficulties which were found to exist, or because of a desire to preserve intact the ancient nobility of the country. On almost all occasions, however, its various implications have been fully discussed. It is deemed necessary to describe all this here, so that the Government may see how far the previous discussions may assist them in their present deliberations.

The permanent settlement concluded between 1802 and 1805 with the ancient zamindars, poligars and the purchasers of the newly-created estates (called 'Muttadars' or 'Mittadars') very soon showed signs of failure. The causes of this are various; in some estates it was over-assessment, in others it was adverse seasons, while in most it was mismanagement and extravagance. The result was that, within about ten years, several estates accumulated large arrears and the Government found that for realizing these arrears they had either to attach these estates and manage them for some years or to put them up for sale.[1] In several instances they followed the former course but in many instances they were compelled to have recourse to the latter course. Thus by 1815 some ancient and many proprietary estates were auctioned in Rajahmundry (East Godavari), Chingleput and Salem districts and, for want of proper bidders, were purchased by the Government themselves[2].

This state of affairs was viewed with alarm by the Court of Directors of the East India Company. By 1812 they had also ample evidence to convince them that the condition of the agricultural

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[1] Regulations XXV, XXVI and XXVII of 1802.

[2] General Report of the Board of Revenue—

Dated 5th October 1808, Volume 5, paragraph 186.

Dated 1st January 1814, Volume 7, paragraph 1159.

Dated 11th February 1814, Volume 7, paragraph 79.

Dated 5th January 1818, Volume 9, paragraph 339.

classes in the estates was deplorable. By the permanent settlement, while the State had been deprived for ever, of its legitimate income derivable from the prosperity of the country, the ryots had been left to the oppressions and exactions of the zamindars. The Patta Regulation intended to protect the rights of the ryots had become "almost a dead-letter." Indeed, the Directors were no longer enamoured of the permanent settlement, whether it was to be made with the ancient zamindars, mittadars or village headmen,—a class of persons with whom both the Board of Revenue and the Government were then seriously thinking of making permanent settlements. They were convinced that the interests of the State as well as the agricultural classes could be secured best only under the ryotwari system, a system which had been with so much success introduced in the Baramahal (Salem) and the Ceded districts by Colonel Read and Colonel (later Sir Thomas) Munro. They, therefore, ordered that no more permanent settlements should be concluded and that in all the districts, lately acquired from the Nawab of Arcot, the ryotwari settlements should be introduced.[1]

Under these orders the Government asked the Board of Revenue to report on the practicability of introducing the ryotwari system not only in North Arcot, South Arcot, Tiruchirappalli, Nellore, Coimbatore, parts of Tirunelveli and Madurai but also "in the estates which had reverted to the Government owing to the failure of the zamindars." The Board, however, discouraged the adoption of the measure on the ground that it would be a novelty in the Northern Circars and Chingleput, where "no teerwas had ever been fixed by survey on each field," and stated that it was not prepared to recommend a survey in those areas.[2] But, before long, it was overruled by positive orders from England.

In 1814 the Court of Directors formulated a definite policy which must be considered as a landmark governing the relations between the Government and the zamindars. They advocated the purchase of estates by the Government whenever they were brought to sale on account of arrears and ordered the introduction of the ryotwari system in all such estates at the earliest practicable moment. In their Despatch, dated 6th June 1814, after adverting to the unsatisfactory state of the Vizianagaram estate, they said: "We are decidedly of opinion that, if it had been found necessary to sell the lands of the zamindari, it would have been extremely desirable as the only means of reforming the abuses prevalent within it and of introducing a just and efficient administration of its affairs for the Government to have purchased it and placed it under the immediate charge of the Collector. We

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[1] Revenue Despatch from England, dated 16th December 1812, Volume 5, paragraphs 4 to 47. For a complete historical account, *see* my paper on "Home Government and the end of the policy of permanent settlement in Madras 1802–1818" in Indian Historical Records Commission Proceedings, Volume XIX, page 7 sqq.

[2] General report of the Board of Revenue, dated 1st January 1814, Volume 7, paragraphs 1048–1049 and 1159–1160.

earnestly hope that a necessity for selling the zamindari will not arise; but, if it should, we direct that you will also adopt the same course in all other cases in which large zamindaris or any considerable portions of lands are brought to public auction. In all such portions of territory which may come into the hands of Government, whatever may be the system of management in the first instance resorted to, it is highly important that you should consider it preparatory only to the introduction and establishment of a ryotwari settlement on the principles on which such settlements were carried into effect by our servants under your Government in the Deccan and in the Carnatic and that the Collectors in the Northern Circars may the more rightly and surely proceed in the execution of so beneficial a work, we desire that you will furnish them with the best practical hints and instructions from the official reports of Colonel Munro, Mr. Ravenshaw and others as to the means progressively practised by them preparatory to the establishment of ryotwari rents and for settling such rents."[1]

These instructions were communicated to the Board of Revenue. In 1816, the Board informed the Government[2] that several estates had been advertised for sale and desired to know the principles which should guide the Collectors in bidding for them: that is, whether all the estates put up for sale were to be purchased and, if so, whether the Collectors should outbid all others or whether they were to bid only to the extent of the arrears.[3] The Government replied that it was impossible to lay down any definite rules, that bidding was liable to be raised unduly high if it were known that the Government would always outbid others and that, therefore, each case must be decided upon its own merits. As to the extent of bidding, they remarked that the object of the Court of Directors being the better management of the estates, it might often be advisable to bid even beyond the extent of arrears, but they doubted whether that could be done, seeing that the Regulations authorized the sale of only such portion of the estate as would be adequate to realize the arrears.[4] The Board, however, had no doubts on this point. It pointed out that, although Section 5 of Regulation XXVII of 1802 contemplated the attachment and sale of only such part of an estate as would be sufficient to make good the arrear, Section 5 of Regulation XXVI of 1802 clearly authorized the sale of either a part of the estate or the entire estate as might be deemed expedient. It, further, explained that, wherever correct accounts were not available for making a subdivision, the entire estate had necessarily to be attached and sold.[5] In 1821, the Government again

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[1] Revenue Despatch from England, dated 6th June 1814, in the Selection of Papers from the Records at the East India House, Volume III, Part II, page 600, paragraph 109.

[2] General Report of the Board of Revenue, dated 6th January 1817, Volume 8, paragraphs 954–966.

[3] *Idem*, paragraphs 958–959.

[4] *Idem*, paragraphs 961–962.

[5] *Idem*, paragraphs 964–965.

explained the policy of purchasing estates thus: A discretionary authority must necessarily be vested in Collectors with respect to the purchase of mittas sold for arrears of revenue in order to defeat the artifices which would be resorted to for raising the price, if it were known that all mittas were to be bought on account of the Government. It being, however, the main object to recover possession of the mittas and only a secondary object to obtain payment of arrears of revenue out of the price at which they might be sold, there seemed to be no good reason for restricting a Collector from purchasing any mitta at a price exceeding the amount of revenue due. He ought not to purchase a mitta at more than its value and he ought not to have been imposed upon by the schemes of fraudulent bidders, but with these conditions it was only proper, under the orders of the Court of Directors (6th June 1814), that all mittas put up for sale should be purchased on account of the Government. These orders were circularized by the Board of Revenue to the Collectors;[1] and as a result of this a large number of estates in arrears were put up for sale and purchased by the Government in the various districts. Some estates were also voluntarily surrendered to the Government by their proprietors, owing to their inability to pay their peshkash.[2]

The principles governing the purchase of estates having thus been clarified, the principles of the ryotwari settlement to be introduced into them were next considered. And, after a good deal of discussion, the following instructions were issued by the Board of Revenue to the Collectors: Wherever possible the amount of assessment should be determined by a survey and classification of lands. Where these had not yet been made, they should be commenced, and where they had already been made, "but the assessment might be found to require revision," such revision should be carried out. Where a survey and classification cannot be made, the assessment should be based upon past collections. In measuring lands the scale most convenient may be used, but it must be such as would admit the extent of each field being readily convertible into acres for the sake of uniformity in the different districts. Care must be taken to classify the lands according to the quality and productive powers of the soil. Checks must be established to prevent the ryots from getting the lands of a superior class being placed in an inferior one. The actual produce must be ascertained as correctly as possible by referring to the accounts of former years and by an examination of the existing actual state of the lands. In fixing the Government share of the produce, the usual rates of division, or what is termed *Mamul*, should be observed, but this share should not

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1 Circular Orders of the Board of Revenue (1820-1850), pages 10-11.

2 General Report of the Board of Revenue—
Dated 16th March 1835, Volume 22, paragraphs 182, 195 and 368.
Dated 25th July 1836, Volume 23, paragraph 514 sqq.

exceed (except when there may be particular reasons for the deviation) in wet lands 50 per cent and in dry lands one-third, of the gross produce. This share should be commuted into money at a fair average of the selling prices of grain, for the last 15 or 20 years, but all years in which the price was, from any particular circumstances, unusually high, must be excluded. In fixing this average, the fluctuations which have occurred and the causes of the changes in the price must be taken into consideration. A reasonable deduction should be made from the rent on account of the risk and responsibility of undertaking payment in money. The amount of rent should be compared with the actual collections of previous years. In many cases it may be advisable first to fix with reference to the collections of former years what may be considered a fair assessment on all the lands of the village which are usually cultivated and then to subdivide the amount on the different fields according to their quality. The waste land which may hereafter be brought into cultivation will, of course, produce an increase to the sum so fixed. Where a survey and classification have already been made, a new classification should not be attempted, unless where the former one is clearly ascertained to have been originally very erroneous. If the assessment is considered to be too high or too low, a proper remission or increase of a certain percentage should be made without disturbing the former classification. It is obvious that the productive powers of the lands must constantly vary according to the labour and expense bestowed upon them and the degree of skill exercised by the cultivator, but the classification must not on this account be changed, it being intended to give to the ryots the full benefit of all their extra labour and of the improvements made at their own expense. This will give an incentive to industry. The ryots must enter into security severally for their own rent and collectively for the whole rent of the village and it must be understood that the Government reserve to themselves the power of making up all balances arising from individual failures by an extra assessment on the village. This extra assessment should not, however, be resorted to without the previous sanction of the Board and should not exceed 10 per cent of the rent of each ryot. When security has been entered into for due discharge of rent, no control whatever must be exercised by the officers over the crops of the ryots. The consent of the ryots should be obtained to the amount of the rent fixed and where they are averse to undertaking payment in money the advantages they will derive from that system should be particularly explained to them.

For all other details the Board referred the Collectors to its Minute, dated 5th January 1818, on the ryotwari system and to the several reports of Sir Thomas Munro explaining the survey and settlements he had made in the Ceded Districts and Salem. The Board also stated that it was not its wish that the survey should be commenced at once, that it might be undertaken gradually, and that, if there was any difficulty in procuring proper surveyors, the

Collector of the Ceded Districts—where proper surveys had already been made—might be approached for assistance.[1]

It will be noticed that in these instructions there are some principles which cannot be called ryotwari: such as the basing of the assessment on an average of the past collections alone and the system of joint responsibility of the ryots. These are admittedly defects; and as such, indeed, they were regarded by the authorities. But in the circumstances then prevailing they were inevitable. The Government realized that owing to the scarcity of experienced surveyors and assessors the survey and classfication of all the resumed estates could not be undertaken with expedition. They were, at the same time, eager to introduce the ryotwari system. They, therefore, directed that, where a survey and classification were impracticable, the assessment might be based upon the average of past collections.[2] Actually it was only in some estates in the Northern Circars that the surveys were not undertaken. In the reverted estates in Chingleput regular surveys were gradually conducted and the assessment was based only on the classification of soils.[3] In the reverted estates in Salem the assessment was based both on the survey and classification which had already been carefully made by Colonel Read and Colonel Munro.[4] Even in the Northern Circars the procedure adopted was carefully supervised by the Collectors to make sure that the ryots obtained a fair deal. The average of the gross produce of a series of years was taken and, after making the usual deductions for expenses and swatantrams, the net produce was arrived at. Generally, half of this net produce was claimed as the Circar share and this was commuted into money at the average selling price of a number of previous years.[5] As regards joint responsibility, though it was intended by the Board and the Government as a security for the public revenue and adopted in some cases, it was soon abandoned as unjust at the instance of the Court of Directors.[6] It should also be mentioned that there were some instances in which it was found impossible to settle for a money assessment with the ryots either individually or collectively. In such cases the Government were compelled to keep the villages under what was called the amani management, that is, to collect the Government share of the produce in kind from ryots and to dispose of it in the best manner

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1 Circular letter of the Board of Revenue to the Collectors, dated 18th April 1822, No. 115 in Selections from the Records of the Salem District (1821–24), Printed, page 25 sqq.

2 General Report of the Board of Revenue, dated 5th January 1818, Volume 9, paragraphs 334 and 335. Also Revenue Despatch to England, dated 21st June 1822, paragraphs 66 and 67, in the Selection of Papers from the Records at the East India House, Volume III, Part II, pages 550–551.

3 General Report of the Board of Revenue, dated 5th January 1824, Volume 12, paragraph 367 sqq.

4 Manual of the Salem District, Volume I, pages 322 sqq., 393 sqq.

5 Board's Consultations Nos. 34–35, dated 29th April 1819, paragraphs 43–46 of the Masulipatam Collector's letter.

6 Revenue Despatch from England, dated 12th December 1821, paragraphs 4 to 6 in the Selection of Papers from the Records at the East India House, Volume III, Part II, pages 565–566.

possible. This system which had several serious drawbacks was, however, adopted only in the last resort to be replaced by the ryotwari system at the earliest opportunity.[1]

It may be stated that the ryotwari system was introduced also in some of the estates attached and managed by the Collectors or placed under the Court of Wards. It is not considered necessary to elaborate this point further than by giving a few examples. Thus in 1823 the Board of Revenue ordered the introduction of the ryotwari settlement into the attached estates of Palconda, Madgole, Belgaum, Kurupam, and Merangi. In 1820, the Board had asked the Collector of Vizagapatam to adopt the ryotwari system in the Vizianagaram estate when it was under his management. The Collector had replied that the zamindar was very anxious to continue the renting system and the Board had, therefore, very reluctantly agreed to continue that system.[2] In 1829, the Board wrote: " You are aware that the Board are very averse to letting the country on lease to temporary renters whose only object will be to make the most of their contract by rack-renting the ryots to the utmost without regard to consequences. Their first desire was to make a settlement with the ryots individually and this is still their wish ". But, since the Collector had stated that there were several obstacles in the way of the ryotwari settlement, it authorized him to continue the renting system, provided he tried to settle some villages at least on ryotwari principles and collected all the information necessary for "the eventual introduction of the ryotwari system".[3] Having found the experiment a success, the Board in 1833, in spite of the aversion to the ryotwari system expressed by the zamindar recommended to the Government its introduction into the entire estate[4]; and the Government agreed to the Board's proposal. The Government in this connexion remarked that they could not "either in justice to itself or in compassion to the ryots" consent to the continuance of the renting system.[5] Regarding the estates under the Court of Wards, that Court, for instance, ordered in 1820 the introduction of the ryotwari settlement into the estates of Nuzvid, Bezwada and Devarakota.[6] It is interesting to notice that the Court of Wards held that it had a perfect right to adopt any system it thought best for the welfare of its wards and the interests of the ryots. It observed: " At all events, it is the duty of the Board as guardians to introduce such a system of management into the estates of their wards as may be most conducive to their future welfare and to the general interests of the people ".[7] The Court was glad indeed " that the

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[1] *See* my Paper on "The Amani System of Land Revenue Administration in Madras.

[2] Board's Consultations No. 24, dated 24th April 1820, paragraphs 8–10.

[3] Board's Consultations No. 16, dated 4th May 1829, paragraph 3.

[4] General Report of the Board of Revenue, dated 24th January 1833, Volume 20, paragraph 51.

[5] *Idem*, paragraph 52.

[6] Board's Consultations Nos. 26–27, dated 25th September 1820.

[7] Board's Consultations No. 17, dated 12th October 1820, paragraph 6.

wishes of the ryots appear in accordance with its opinion."[1] And it would seem that ryotwari settlements were made in these estates, except in certain hill villages.[2] It must not, however, be imagined that all estates under the Court of Wards were managed under the ryotwari system. Where the estates were under the Court only for a short period, it was not considered worth while to adopt this system and the existing system was continued with such modifications as were deemed necessary.

Nor should we imagine that the Government were out to purchase all estates on the plea of arrears with the object of converting them into ryotwari. They tried, as far as possible, to preserve the ancient estates from disintegration. This is evidenced by their taking up temporarily under the Collector's management several ancient estates which were in embarrassed circumstances, instead of allowing them to be sold in liquidation of private debts or arrears of revenue.[3] This is also evidenced by a proposal made by Sir Thomas Munro in 1821 to introduce an Entail Regulation, the forerunner of the Impartible Estates Land Act of 1904. It should be stated, however, that Munro proposed the Entail Regulation not only with a view to preserving ancient estates but also with a view to maintaining public peace, which was in those days a difficult task. He found that, whenever the estates were transferred by sale to outsiders, shroffs and money lenders, who had no public status, the Government were compelled to go to their aid to support their rights and that this interference, in most cases, raised disturbances of a serious nature. He, therefore, proposed that no ancient zamindari should be sold for arrears of public revenue or private debts; that every such zamindari according to its ancient usage should descend to a single heir, whether by descent or adoption; that no ancient zamindar should be arrested for his private debts; that every such zamindar should make provision for the maintenance of the relations of his family according to usage; that the Government alone could order the division of such zamindaris under special circumstances, or decide all questions respecting succession or provision for relatives. It was not his intention to make this Regulation compulsory, but to leave it to the option of the ancient zamindars.[4] The Regulation was, however, not passed into law partly because some of the ancient zamindars were against it, but mainly because Munro himself very soon changed his views regarding the zamindari system. And, as will be shown below, he saw no remedy for the

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1 Board's Consultations No. 17, dated 12th October 1820, paragraph 7.

2 Board's Consultations Nos. 27–28, dated 20th December 1821.

3 General Reports of the Board of Revenue contain many instances of this—*see* Report, dated 24th January 1833, Volume 20, paragraphs 51–52.

See also Board's Consultations Nos. 6–7, dated 25th February 1828.

Nos. 14–15, dated 30th March 1829.

Nos. 15–16, dated 14th May 1829.

Nos. 14–15, dated 23rd November 1829.

4 Board's Consultations, dated 27th September 1821, Volume 896, pages 8635 sqq. and Revenue Consultations, dated 28th February 1823, Volume 288, page 651 sqq.

evils of the system or for the salvation of the ryots, except that of purchasing the estates, wherever possible, on account of the Government and converting them into ryotwari.

Upon a tour of the Northern Circars, being greatly struck by the agrarian discontent and poverty of the people, Sir Thomas Munro recorded his impressions and suggestion in an important Minute, dated 7th January 1823[1] as follows: Though the Northern Circars have been the earliest acquisitions of the Company, there is so little known about them.[2] Nor is the authority of the Government felt there in any appreciable degree. And that is because of "our erecting by the permanent settlement a new set of proprietary zamindars", of "our not reserving a single village in which we could have direct control over the ryots" and of "our transferring to these proprietors, the karnams who are the sources of all information."[3] "By creating new zamindars and proprietors and divesting ourselves of the Circar lands from the immediate possession of which our influence almost entirely arose, we have placed the prospect of establishment, of subordination and good order among the petty Rajaships at a greater distance than ever."[4] Affairs of the Northern Circars can never be well administered, nor the great body of the ryots protected againt oppression, nor the country secured from disturbances until the Government becomes more respected in those parts. And all this can only be gradually done by adopting a deliberate policy of retaining in the hands of the Government all escheated estates and purchasing on behalf of the Government all estates put up for sale for arrears of revenue. "Much may be done in time by pursuing steadily measures calculated to give the Government more weight in the country and more direct intercourse with and control over the people. No zamindari once forfeited for rebellion should ever be restored, whatever temporary evil the retention of it might occasion. All estates falling in should invariably be kept and annexed to the Circar lands . . . The gradual extension of the Circar lands should be our main object, because it is by having the direct possession and management of landed property that we can best protect the ryots, grant them remission of rent, assist them in agricultural improvements and attach them to our Government. The extension of the Circar lands gives us also a great influence over all the military classes residing upon them, as we have thereby the power of granting them indulgence in rent and other matters in their several villages[5] . . . On the whole it appears to me that, in order to render the local administration of the Circars

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[1] Revenue Consultations, dated 24th January 1823, in the Selection of Papers from the records at the East India House, Volume III, Part II, pages 566 to 579.

[2] *Idem*, paragraph 23, page 574.

[3] *Idem*, paragraph 29, page 576.

[4] *Idem*.

[5] Revenue Consultations, dated 24th January 1823, in the Selection of Papers from the Records at the East India House, Volume III, Part II, paragraph 30, pages 577–578.

gradually more efficient, it will be advisable to restore no lands which have once reverted to Government . . . "[1] This portion of the Minute relating to the acquisition of estates was circularized by the Board of Revenue to the Collectors of the Northern Circars.[2]

On 31st December 1824, Sir Thomas Munro again recorded another valuable Minute on the condition of the country, in which he once more referred to the unsatisfactory state of the Northern Circars and the impossibility of protecting the rights of the ryots in those parts unless and until the estates reverted to the Government.[3] He wrote: The rights of the ryots there have not been defined and the ryots therefore can never become landholders, nor their lands acquire such a value as to make them saleable. It may be said that they have a right to be assessed only according to ancient usage and that this right will secure them from exactions and give them the same facility, as is enjoyed by the ryots in the ryotwari areas, of converting their lands into valuable property. But, many causes combine to prevent this. The so-called ancient usage varies in every little village. It is not recorded or defined and is therefore very little known. Moreover, it is so high as to leave the ryots no more than the bare recompense for their labour and stock and to preclude their ever obtaining any portions of a landlord's rent. Even supposing that the usage does leave the ryots some surplus as landlord's rent, the zamindars may not permit them to enjoy it. They may raise the rent and the ryots in nine such cases out of ten are sure to submit quietly to the loss, rather than resort to the courts where they very well know that the zamindars can procure any number of witnesses, including karnams, to swear falsely on the question of usage. The zamindars wield a powerful influence and even if the ryots were to succeed in their suits, there are numerous ways by which, without transgressing the law, the zamindars can harass them and make their condition wretched. It may be said that the Government having set a limit to its demand upon the zamindar, he will also set a limit to his demand upon the ryot and leave him the full benefit of every improvement and thus enable him to render his land a valuable property: but there is little reason to suppose that this will ever be the case, either from the practice of the new zamindars during the twenty years they have existed or from that of the old zamindars during a succession of generations. In old zamindaris, whether held by the Rajas of the Circars or the poligars of the Southern districts, which have from a distant period been held at a low and fixed peshkash, no indulgence has been shown to the ryots, no bound has been set on the demands upon them. The demand has increased with improvement according to the custom of the country and the land of the ryots has no saleable value. One should not, therefore,

1 Revenue Consultations, dated 24th January 1823, in the Selection of Papers from the Records at the East India House, Vol. III, Part II, paragraph 32, page 579.

2 Circular Order of the Board of Revenue (1820–1850), pages 14–15.

3 Munro's Minute, dated 31st December 1824, in the Selection of Papers from the Records at the East India House, Volume III, Part II, pages 602–632.

be surprised that in new zamindaris, where peshkash is so much higher, the result has been equally unfavourable to the ryots. The new zamindaris will, by division among heirs and failures in their payments, break up into portions of one or two villages; but this will not in any case better the condition of the ryot. It will not fix the rent of land or render it a valuable property: it will merely convert one large zamindari into several small zamindaris or mittas of a kind much more injurious than those of the Baramahal to the ryots, because in the Baramahal the assessment of the ryots' land had previously been fixed by survey, while in the new zamindaris of the Circars it had been left undefined. The little will in time share the fate of the great zamindaris; they will be divided and fail and finally revert to Government; and the ryots, after this long and circuitous course, will again become what they originally were, the immediate tenants of the Government and the Government will then have in their power to survey their lands, to fix a moderate assessment upon them and to lay the foundation of landed property in the land of the ryots, where alone, in order to be successful, it must be laid.[1] The condition of the landed property of the country held almost everywhere by the ryots directly under the Government clearly points out what the revenue system ought to be, and it cannot consistently with usage be other than ryotwari.[2]

A close study of the foregoing observations cannot fail to reveal that most of them hold good even to this day. The whole of the tenancy legislation of the subsequent period down to our present time is but the eloquent expression of the existence of the evils of the permanent settlement so correctly pointed out by Munro. Without commenting further, we may allow him to speak for himself. Referring to the permanent settlement he said: "We have, in our anxiety to make everything as English as possible in a country which resembles England in nothing, attempted to create at once, throughout extensive provinces, a kind of landed property which had never existed in them; and in the pursuit of this object we have relinquished the rights which the sovereign always possessed in the soil, and we have in many cases deprived the real owners, the occupant ryots, of their proprietary rights and bestowed them on zamindars and other imaginary landlords. Changes like these can never effect a permanent settlement in any country; they are rather calculated to unsettle whatever was before deemed permanent. We erroneously think that all that is necessary for the permanent settlement of a country is, that Government should limit its own demand and that it is of no consequence by whom this demand is collected; and that, provided the amount is not exceeded, the ryot is not injured whether he pays it to the officer of Government or to a newly-created zamindar landlord. But nothing can be more

[1] Munro's Minute, dated 31st December 1824, in the Selection of Papers from the Records at the East India House, Volume III, Part II, paragraph 18, pages 615–616.

[2] *Idem*, paragraph 19.

unfounded than this opinion or be more mischievous in its operation; for it is a matter not of indifference, but of the highest importance, by whom the Government land rent is collected and paid. Every proprietor or ryot, great and small, ought to pay his own rent and that of his tenants, when he has any, to the Government officer. If, instead of doing this, some hundreds of proprietary ryots are made to pay their public rents to a zamindar, they will soon lose their independence, become his tenants and probably end by sinking into the class of labourers."[1]

Although Munro held such strong views regarding the evils of the permanent settlement, he was by no means for abolishing that system by a stroke of the pen. He did not consider that the circumstances at that time demanded the adoption of such a drastic measure. What he wanted was that, whenever opportunities occurred, the estates should be acquired and annexed to the Government lands. That such were his views is clear from the attitude he adopted towards a proposal for the wholesale acquisition of estates, which was shortly afterwards received from one of the Collectors.

This bold proposal emanated from Mr. Roberts, the Collector of Masulipatam. In a letter, dated 30th October 1824, he suggested to the Board of Revenue that the best remedy for the evils of the zamindari system was that of taking over all the estates in his district and pensioning off the zamindars.[2] He explained how, under the permanent settlement, it was impossible either to realize the public revenue punctually or to protect the ryots against the exactions of the zamindars. With his fields overrun "by a crowd of ephemeral sibbandi" squatting upon his land and preying upon his purse the ryot had little hope of improving his fortune.[3] And, as if this were not enough, he was often compelled to pay "in anticipation of the produce and value of his harvests" and subjected to the endless exactions of renters—"merchants and speculators whose avowed object" was to "create under-rents upon a premium".[4] At the same time, the State had no guarantee for its public revenue. He pointed out that even in a season of signal advantages several of the zamindars had fallen into arrears.[5] And this was chiefly because they had diverted the collections to feed their vanity and extravagance.[6] Indeed, he could see no better prospects so long as the Government perpetuated the zamindari system by undertaking to manage the estates for realizing arrears. This method of bolstering up the zamindars frustrated, in his opinion, the very objects which it

1 Munro's Minute, dated 31st December 1824, in the Selection of Papers from the Records at the East India House, Volume III, Part II, paragraph 36, page 628.

2 Board's Consultations, dated 8th November 1824, Volume 1001, page 9705 sqq. —*see* Roberts's Report, paragraphs 21–23.

3 *Idem*, paragraph 83, pages 9735–9736.

4 *Idem*, paragraph 89, page 9736.

5 *Idem*, paragraph 83, page 9734.

6 *Idem*, paragraphs 83–86, pages 9734–9735.

was intended to avoid by the permanent settlement, namely, the relief to the Government from direct management and the certainty cf collection of revenue.[1]

He, therefore, suggested that the zamindars might be paid an annual stipend equivalent to the net income which they actually realized and that their estates might be taken over by the Government and managed under the ryotwari system. He said: "The permanent beriz (peshkash) is fixed upon two-thirds of Government portion of the produce; that is, the share of the crop received by the zamindar from the ryots is calculated to be about one-half of the gross produce; the zamindar stipulates to pay to the Government as a permanent revenue about two-thirds, retaining for his own use, the remaining one-third or about 15 per cent of the gross produce. Of this 15 per cent, it is calculated that $1\frac{3}{4}$ per cent is on an average disbursed on the various sibbandies and cutcherry establishment and that the remainder is the zamindar's net receipt. The actual value of the zamindar's portion being thus gained, it remains to be decided whether the perpetual cession of that portion to the zamindar, his heirs and assignees would sanction the reoccupation of the lands by Government."[2]

He considered that a transfer conducted as suggested above was strictly conformable with the faith of Government, was most equitable in itself and was calculated to yield secure stipend to the zamindars, which they had never yet enjoyed. And he proposed that offers should be held out to them to accept arrangements on the following conditions: (1) that the zamindar, his heirs and assignees shall continue now and hereafter to bear the same honorary titles which they at present possess; (2) that they shall ever retain the same superiority in their several zamindaris; (3) that their vakils shall remain in the Collector's cutcherries and be permitted to take copies of every such paper or account relative to their respective estates as the zamindars may require for the purpose of reporting to the Collector the occurrence of any abuses in their lands, etc.; (4) that they shall enjoy 10 per cent of the gross revenue of the year as a money estate, to be paid in instalments as received in the Collector's cutcherry, and that, in consideration of the impossibility of assigning any fixed sum for revenue owing to the instability of the seasons and in consideration of the late adverse seasons, they should be allowed the option of their percentage on the annual produce, or a stipend fixed on the rate of the permanent settlement; in the latter case, to have this amount delivered to them in the gross at the commencement of the fasli; (5) that the management of the landed estate be committed to the charge of the Government, but that the zamindar be permitted the same privileges with the money estate as he enjoyed on the landed estate; that is, he may assign it in the

[1] Board's Consultations, dated 8th November 1824, Volume 1001,—*see* Roberts's Report, paragraph 23, pages 9711–9712.

[2] *Idem*, paragraphs 95–96, pages 9738–9739.

whole or in proportions, each to be paid from the treasury to his heirs or assignees; he may also relinquish a portion or portions during the period of his natural life to whomsoever he pleases; such portion also to be paid from the general treasury or by himself as preferable.[1] He continued: "I have reduced 5 per cent from the zamindar's share, as although his present disbursement is small, a large sibbandi is required (as is hereafter shewn) to be disbursed by the ryot which should, upon every principle of justice, be defrayed by the zamindar".[2] He held that his scheme which permitted free alienation and division of what he termed "the money estate" would be more advantageous to the ancient zamindars whose landed estates were, according to Hindu Law, considered impartible.[3]

As to the legality of this method of acquiring estates and converting them into ryotwari tenure, he had no doubts. He thought that the Government would be within their rights in making this change. The Government, he said, had, in granting the permanent sanads, clearly reserved to themselves the right to alter and improve the condition of the people. And in support of this view he quoted paragraph 13 of the sanad which runs as follows; "The foregoing conditions contain an abstract of the obligations and duties which you shall incur and of the rights which you have acquired under the new constitution erected for the security, protection, and prosperity of the subjects of the British Government, but for the enlargement of the condition of the people, the Governor in Council will continue from time to time to enact such regulations as experience may suggest, or the progress of human affairs render necessary".[4]

The Board of Revenue, however, did not endorse Mr. Roberts's proposals.[5] It admitted that the ryots would be benefited by a change into the ryotwari system. But it could not see how these changes could be brought about without violating the promises given by the Government to the zamindars. It remarked: "As the Government have by a solemn deed pledged their faith to secure these persons, their heirs and successors for ever in the possession of their lands, the measure he had suggested appears to the Board to be quite out of the question".[6] Again, "the objections to it, namely, that it is contrary to the faith of Government and would have the effect of overthrowing the permanent settlement which they are bound to uphold so long as the conditions thereof are observed by the other party, seem to the Board to be quite insurmountable. The Government having transferred to the zamindars

1 Board's Consultations, dated 8th November 1824, Volume 1001,—*see* Roberts's Report, paragraphs 97–98, pages 9739–9740.

2 *Idem*, paragraph 100, page 9741.

3 *Idem*, paragraphs 102–104, pages 9742–9743.

4 *Idem*, paragraph 151, page 9758.

5 Board's Consultations, dated 14th April 1825, in Masulipatam Collectorate Volume 4074, paragraphs 16–66, page 158 sqq.

6 *Idem*, paragraph 31, page 172.

by a formal deed the entire rights of the sovereign power in and to the lands then in their possession, it is impossible without a breach of faith to recall that deed, or in any wise to interfere with the rights and privileges thereby conferred unless at the suggestion of the zamindars themselves . . . . It cannot be expected that they would listen to any such proposition as the present—much less of themselves suggest it, and the interposition of the arm of power to effect the arrangement in the case of their refusal is not to be thought of".[1] And it added: "With reference to the article of the Sunnud-i-Milkeut-Istimrar quoted by the Collector in paragraph 151, it seems necessary only to observe that the reservation of the right of Government to make regulations from time to time for the enlargement of the constitution thereby granted and to the improvement of the people can only be understood as saving and excepting the rights of the zamindars, otherwise it would contain a contradiction in terms."[2] The Board, therefore, held that it was illegal to adopt the plan suggested by Mr. Roberts, for acquiring estates, unless it be that it met with the approval of the zamindars.[3] The Board, however, was sanguine that, as the zamindars gradually realized the beneficial effects of a moderate assessment in the estates which had reverted to the Government, they would be induced to moderate their own demands upon the ryots and to contribute to the prosperity of their estates.[4] The Board likewise relied upon Regulation V of 1822 which had just then been passed, and which, the Board conceived, put it within the power of the Collector to compel the zamindars to issue pattas limiting and defining their demands upon the ryots, by making distraint illegal, unless pattas had been tendered.[5]

But the Government, at this time presided over by Sir Thomas Munro, did not entertain the extreme views of the Board.[6] They, however, agreed with the Board that Mr. Roberts's scheme was "rashly formed and wholly unfit to be acted upon" under the prevailing circumstances.[7] They also agreed that the zamindari rights were entitled to the same regard as the other rights of of private property. But they observed; "All such rights, indeed, are liable to be modified by legislative enactments for the general good. But they ought not to be interfered with except upon very sure grounds of policy and upon occasions where interference with them is necessary the greatest care should be taken to render to the parties substantial justice."[8] From this it is evident that,

[1] Board's Consultations, dated 14th April 1825, in Masulipatam Collectorate Volume 4074, paragraph 33, pages 175–177.

[2] *Idem*, paragraph 53, page 189.

[3] *Idem*, paragraph 33, pages 175–177.

[4] *Idem*, paragraph 49, pages 186–187.

[5] *Idem*, paragraph 47, pages 184–185.

[6] Revenue Consultations, dated 17th May 1825, in Masulipatam Collectorate Volume 4074, page 247 sqq.

[7] *Idem*, paragraph 13, page 255.

[8] *Idem*, paragraph 13, pages 255–256.

far from accepting the view that the permanent settlement could never be altered, the Government held that they had an undoubted right to change it whenever the general good of the country should demand it.

But, although it was considered unwise to acquire estates wholesale in the manner suggested by Mr. Roberts, the Government were often compelled to acquire a large number of estates on account of arrears. It is not necessary to recount the circumstances in which all these were purchased. Such of the cases alone as invoked discussions are considered worthy of notice here. And even these cases were not few. For, maladministration and accumulation of arrears were by no means confined to the Masulipatam estates about which we have remarked. They were equally common, indeed, they existed in a more aggravated form, in the estates of the adjoining districts of Rajahmundry and Guntur.

In Rajahmundry the arrears of revenue became so large that by 1840 most of the estates had to be attached and kept under Government management. But this management, which was obviously intended as a temporary measure, could not go on for ever. The real causes of the growing arrears had to be investigated and proper remedies considered and applied. The Government therefore specially deputed Sir Henry Montgomery, a Member of the Board of Revenue, to make such an investigation.

Sir Henry Montgomery's report is too long to be summarized in this place. Suffice it to say that he attributed the arrears to the mismanagement of the zamindars and their oppressive system of revenue administration and pointed out that the only satisfactory solution was to continue the estates permanently under the Government management, to convert them into ryotwari and to grant the zamindars lands on a nominal peshkash sufficient to maintain their dignity.[1] His plan, however, has certain features which demand some elucidation.

At this time the Court of Directors did not wish to pursue extreme measures, especially towards the estates which had been, by mistake, over-assessed at the time of the permanent settlement or which had suffered from a series of bad seasons. In the case of such estates which had fallen into arrears the Directors had lately suggested that the equitable course was for the Government to manage them and, after the arrears were realized, and they were brought to a state of prosperity, to hand them back to the zamindars.[2] Sir Henry considered that this course held out very little hope. For, the moment the estates were handed back to the zamindars, there was no guarantee that the zamindars would not again begin their misrule and divert the collections to liquidate

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1 Board's Consultations, dated 17th June 1844, Volume 1919, paragraph 53 sqq, page 8163 sqq.

2 Revenue Despatch from England, dated 21st June 1842, No. 14, paragraphs 5–9 in Board's Consultations Volume 1828, page 13657 sqq.

their ever increasing private debts. Where the ancient estates were not encumbered with private debts, such a course, he thought, might, if considered absolutely necessary, be adopted; but all such cases of restoration, he stated, should be accompanied by a reservation, on the part of the Government, of the right of selecting the member of the family for succession to the estate on the decease of the possessor.[1] But he observed that a more suitable mode of relieving these ancient families than the entire restoration of their forfeited estates was that of granting to them, on payment of peshkash, little more than nominal, lands or villages in the vicinity of their family residences adequate to their support according to their status in society. They would thus maintain their character of landholders, have some occupation, some incentive to exertion in the advantages they would reap from improvement and, with the influence that attaches to the possession of land, they would have greater facilities of supplying their wants and those of their adherents than the receipt of a monthly stipend would afford them. Another beneficial feature in such a plan was that the great mass of the ryots of their estates would be placed beyond the chance of zamindari misrule. Landed property so granted, he said, should be declared inalienable, indivisible, and not liable to sale or attachment under decrees of courts for private debts. The determination of the right of succession should rest exclusively with Government who should also reserve to themselves the power of resumption at pleasure.[2]

In reviewing his report the Board of Revenue analysed the causes of failure of the permanent settlement in a masterly manner.[3] It pointed out how, within a period of 40 years of the permanent settlement, the 13 ancient estates in the district had broken up into 69 and how 11 of them had reverted to the Government. It also pointed out how, within the same period, the 27 proprietary estates in the district had broken up into 70, and how 40 of them had reverted to the Government. All this meant the reversion of estates assessed at nearly 8 lakhs of rupees, that is, nearly half the total assessment fixed on the estates in the district.[4] This reversion of the estates was due not to over-assessment but to the "inherent defects of the system" and to "the incapacity and vices of the parties on whom the administration of the system devolved."[5] The Board went on: "The system, besides involving the principle of intermediate agency, injurious in every form however modified, presents the anomalous aspect of two proprietors, the ryot virtually so and the zamindar, proprietor by creation. The ryot occupies the most important place in the fiscal system of

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[1] Board's Consultations, dated 17th June 1844, Volume 1919—Sir Henry Montgomery's Report, paragraphs 80–81, pages 8202–8206.

[2] *Idem*, paragraph 82, pages 8206–8207.

[3] Board's Consultations, dated 14th July 1845, Volume 1974, page 8564 sqq.

[4] *Idem*, paragraphs 5–15.

[5] *Idem*, paragraph 20.

India; he is the source whence all rent is drawn, but his position was affected and importance destroyed by the power and rights acquired by the zamindar. The two interests, it is obvious, cannot co-exist. The zamindar and ryot are placed in a position of antagonism and one or other must yield. As rent is entirely drawn from the ryot and no legislative enactment can change this condition, it does not require any lengthened argument to show that, where the ryot is obliged to yield, the sources whence revenue is drawn become impaired. The Board are of opinion that this fundamental defect in the permanent settlement has been the main cause of the decay of the revenue in the Northern Circars; not only have the revenue and the country been exposed to the operation of the pernicious principle of intermediate agency, but the exclusive and paramount powers of a proprietor which were granted to the intermediate agent have been superadded."[1]

The faulty principle of the permanent settlement had been aggravated by the "defective character" of the zamindars. Indeed, the failure of the zamindars, the Board observed, sprang entirely from themselves. Had they been practically alive to the importance of raising the condition of the ryots and had they restricted themselves to their own style of living which their position demanded, the Board thought that the disastrous consequences that had ensued to the zamindars and to the public revenue would not have occurred till at a later period. It was, however, certain that such a crisis could not have been prevented for ever. For, that, it believed, was inevitable because of the defective nature of the permanent settlement itself.[2] The system, it went on to say, had not produced any material change in the moral character of the zamindars. The zamindars were still, as before, "wholly incapable" of transacting business, were still in the habit of leaving the management of their estates to "crafty, designing inferior agents" who forwarded their own selfish views or ends "by feeding the vanity of their ignorant employers with ideas of princely grandeur." The Board deemed it unnecessary to expatiate further upon the subject than to refer to the report of Mr. Robertson, a former Collector of Rajahmundry, in which he had forcibly delineated the working of the system "as shown in the exhausted state of the country, subdivisions, collusive transfers, shifts and expedients to meet or escape from the public demand and finally desperate balances." It was remarkable, the Board said, that from faslis 1220 to 1230 no less a sum than 14 lakhs of rupees was credited to the Government as sale-proceeds of the estates.[3]

The Board proceeded: "Having thus seen the defects of the permanent settlement and its failure it is useful to reflect in this place on what the state of the Circars would probably have been

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1 Board's Consultations, dated 14th July 1845, Volume 1974, paragraph 21.

2 *Idem*, paragraph 22.

3 *Idem*, paragraph 23.

at the present period if the large sacrifice of one-third of the assets, not to mention all prospective advantages, had been made directly in favour of the ryot by whom the remission would have been applied in the improvement of the land. With the experience of nearly 50 years it may now with much propriety and force be said: 'it seems extraordinary that it should ever have been conceived that a country could be much benefited by giving up a share of the public rent to a small class of zamindars and mittadars who do not yet actually exist, as by giving it to the ryots from whom all revenue is derived'. Experience indicates that it is important in the consideration of the fiscal measures for the future that proprietary right should be sought for in the ryot and not in the mere fiscal superior".[1] The future legislation, however, did not recognize the occupancy right in the ryot till 1908.

In regard to Sir Henry Montgomery's proposal to retain the estates permanently under the Government management and to grant land on a nominal peshkash to the zamindars, the Board observed: "The question of relief to the ancient families is to be determined with reference to the policy which ought to be pursued in regard to the welfare of the agricultural body and upon the nature of the relief which is most likely to answer the end in view, viz., the maintenance of the families in comfort and respectability. The benevolent intention of restoring estates does not appear to be compatible with the interests of the agricultural classes. The proposition involves the perpetuation of zamindari influence and agency the destructive effects of which are now fresh under review and the mass of the people will be left without the power of attaining independance and proprietary consequence. The zamindar and ryot must continue in a state of antagonism and the latter will find the level which he has hitherto found and 'which,' as observed by Sir Thomas Munro on the subject, 'the weak always find when they are left to contend with the strong.' Nor would the proposition benefit the families. Ultimately they will again find themselves in the same position as at present, because the operation of the same causes must terminate in producing the same effects. Considerations of the revenue and of the ryot are unfavourable to any further experiments."[2]

"The only policy applicable to the Northern Circars is that which has been already laid down: 'All estates falling in should invariably be kept and annexed to the Circar lands.' Acting upon this and following out the benevolent intentions of the opinion of the Commissioner that, where a provision is to be made for the support of an ancient family, a grant of lands or villages in the vicinity of their family residences equivalent to their support 'but rent-free and inalienable' is the most suitable way of showing the kindly intentions of the Ruling Power as well as most congenial to the feelings of the parties."[3]

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[1] Board's Consultations, dated 14th July 1845, Volume 1974, paragraph 24.
[2] *Idem*, paragraphs 53–55.
[3] *Idem*, paragraph 56.

The Board in conclusion stated that the protection of the ryots was a matter of supreme importance. "The ryot in India occupies the same position as the farmer in Britain with this difference, that the Indian ryot under a sound administration of ryotwari enjoys a portion of rent and therefore in his person unites both the farmer and landlord. His Lordship in Council is aware that the great improvements in agriculture in Britain is owing to yearly tenancy being discountenanced and a fixity of tenure imparted to the farmer. The ryot claims a similar condition of his case. He demands that his holding shall be profitable to him, that he shall be relieved from the annual interference of large public establishments and that he shall be left to reap the full benefits of his labour and capital. It is obvious that the benefits are attainable on the ryotwari principle alone and under a liberal and free administration of that principle."[1]

When the report of Sir Henry Montgomery and the review of the Board came up for consideration before the Government, the Governor and the Members of the Council recorded separate minutes.[2] The Marquis of Tweeddale, the Governor, agreed that the unsatisfactory state of affairs in Rajahmundry was "in great part to be attributed to the mismanagement of the zamindars arising from their incapacity to fulfil the obligations which devolved upon them as the proprietors or landlords of these fine estates." He also agreed that it was not in the interests of the country to restore the estates to the zamindars, and that they should be retained by the Government and converted into ryotwari management. He commented thus: Had the zamindars possessed the intelligence and the habits of business which would have enabled them to know the true value of the land and the fair rent therefore to be drawn from each ryot or under-tenant, had they possessed the moral qualities of self-denial and forethought which would have led them to promote the interests of the ryots as the true source of their own wealth, and had they wisely carried out that just principle of "Live and Let Live," the only one that can secure the prosperity of the country, there would have been little doubt that the district of Rajahmundry would have been in a very different state to that now represented. But, as the zamindars had in common with the rest of the aristocracy habits of present indulgence and reckless extravagance, the necessary and natural result has been the dissipation of their own fortunes with the means of their ryots and it is not surprising, therefore, that the expectations entertained on the introduction of the zamindari system should not have been realized.[3]

Upon a careful consideration of the Commissioner's report, the Governor said that he could see no ground for supposing that, if the estates were again placed in the possession of the zamindars,

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1 Board's Consultations, dated 14th July 1845, Volume 1974, paragraph 66.

2 Revenue Consultations, dated 17th April 1846, Volume 634, page 2490 sqq.

3 *Idem*, pages 2491–2492.

the Government could look for such an alteration in their character and habits and consequently such an improved system of management as would secure justice to the ryot and restore the prosperity of the district. On the contrary, he saw the strongest reason for concluding that, even should the peshkash be greatly reduced, the same results, which had already shown themselves, would again be manifested. There was nothing in the mere circumstance of a light demand by the proprietor on his tenant or ryot, which tended to the improvement of his estate. That depended on his thorough knowledge of the capabilities of the soil and on his acquaintance with the exact price the produce would fetch in the public market. Further, it depended upon his attention to the interests of the tenants—assisting and stimulating the industrious and prudent, uniting with them in judicious outlays, on wells, channels for irrigation, etc., and other permanent improvements—upon the introduction of a better system of husbandry and of the best products and of cattle into the estate. "Men of experience in tropical agriculture agree with me in considering these to be the true sources of improvement and prosperity of the land and unless the zamindars have the necessary qualification as landlords or have agents so qualified, I see no ground of hope that this class of proprietors with their present habits and education will become efficient agents in securing the welfare of the ryots however light their peshkash ".[1]

Holding, as he did, these views, the Marquis of Tweeddale generally concurred in the opinion of the Commissioner and the Board that it was not advisable to perpetuate the zamindari system in the district and that the attention of the Government should be immediately and steadily directed to the introduction of a system which should foster and protect the interests of the ryots themselves and consequently that, "when such estates fall into arrears to Government and are liable to sale, they should be sold, as prescribed by law, and bought in for the Government ". At the same time, he stated that he would adopt the suggestion of the Commissioner and make a liberal provision for the zamindars in the mode he had suggested.[2] If it was resolved no longer to perpetuate the zamindari system but to purchase these estates and constitute them portions of the Government lands, he considered it necessary that positive orders should be issued for introducing at once a defined system of joint-village rents which appeared to him to be the best practical system, until a regular survey and assessment on sound principles could be carried out.[3]

Mr. Chamier, the Member of the Council said: "I cannot join in the cry of over-assessment." He attributed the failure "to the extravagant habits of the zamindars and their costly and often vindictive litigation." He was opposed to the restoration of the

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[1] Revenue Consultations, dated 17th April 1846, Volume 634, pages 2492–2494.
[2] *Idem*, page 2494.
[3] *Idem*, pages 2495–2496.

estates, at any rate, to such of the zamindars as were burdened with debts. He thought that, even when there were no private debts, the estates, if they were to be restored, should be restored only on condition that the Government reserved to themselves the right to nominate the successor to the estate.[1] Mr. Dickinson, another Member observed: "That the decline of the zamindaris is mainly to be attributed to the extravagance and thoughtlessness of the zamindars is beyond question. I quite agree with the Board that to restore these estates to their proprietors would be but to perpetuate or indeed to extend the misery in which the district is involved. If taken possession of by Government and moderately assessed, their prosperity would be ensured."[2]

Pursuant to these views the Government ordered that "attention should be immediately and steadily directed to the introduction of a system which shall foster and protect the interests of the ryots themselves and consequently that, when such estates fall into arrears, they should be brought to sale under the provisions of the law and purchased on account of Government." The Government directed that the Rajahmundry estates in arrears should be sold forthwith and that a proper assignment of lands should be granted for the support of the dispossessed zamindars. They also stated that the estates should be kept under a system of joint-rents, until the revised system of ryotwari survey and settlement which was then being considered could be introduced into them.[3] Accordingly, all the estates in arrears were put up for sale and purchased by the Government. And into these, the modern system of survey and settlement was introduced in 1865–70.[4]

So much about the Rajahmundry estates. As regards the Guntur estates, by 1838 it was found that a large number of them had fallen into arrears and that these arrears swelled to over 43 lakhs of rupees.[5] At first the estates, which had all been attached, were as a matter of favour allowed to be managed by the zamindars themselves. But this very soon resulted in increased balances. In 1840, the Board of Revenue felt that some extraordinary remedies were called for. It suggested that either the estates might be brought to auction and purchased on account of the Government and the zamindars pensioned off, or that they might be purchased and reconferred on the zamindars on a reduced peshkash.[6] As has already been indicated, the Court of Directors were at this time reluctant to take extreme measures of sale for arrears when there were any extenuating circumstances.[7]

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1 Revenue Consultations, dated 17th April 1846, Volume 634, pages 2497–2506.

2 *Idem*, pages 2506–2507.

3 *Idem*, pages 2521–2525.

4 B.P. No. 1839, dated 4th April 1865—Master's Report, paragraphs 11 sqq.

5 Board's Consultations, dated 10th September 1840, Volume 1716, page 11367 sqq.

6 *Idem*, paragraphs 44–45.

7 Pages 61–62 *ante*.

But the Government felt that the situation demanded such measures: It was "utterly hopeless" to expect that the arrears could ever be liquidated or that the full peshkash could be collected for many years to come even under the most favourable circumstances. The reconferment of the estates would not answer any purpose; the only way to remove the difficulties and to ameliorate the condition of the ryots was to put them up for sale for arrears and purchase them on account of the Government. Unless such a drastic step was taken, the zamindars were likely to imagine that their estates would always be preserved to them. However, in view of the Court of Directors' sympathy towards the ancient zamindars, the Government deemed it desirable to obtain the Court's sanction before proceeding with that measure.[1] They therefore referred the matter to the Directors. The Directors thought that the chief causes of the failures of the zamindars were adverse seasons and therefore suggested a middle course. They ordered that the zamindars should be required, on condition of receiving a sufficient maintenance, to surrender the estates to the Government and that, after the estates were brought to a state of prosperity under ryotwari management, they should be handed back to the zamindars.[2]

As was to be expected, there was some difficulty in inducing the zamindars to surrender their estates But after some time all of them surrendered their estates on the understanding that as soon as they were brought to a state of prosperity, they would be returned to them. In the meantime doubts arose as to whether by acquiring the estates in this manner the Government had acquired a clear title to them. The Board of Revenue and the Sadr Adalat held that the title thus acquired was by no means absolute, that the private creditors of the zamindars could not be prevented from obtaining decrees in the courts against the estates and that the safest course was therefore to bring them to sale for arrears according to law and to purchase them on account of the Government. Since land revenue was the first charge on the estates, a sale for arrears was rightly considered to confer an unencumbered title on the purchaser. But this meant the transferring of the estates back to the zamindars to be put up for sale and purchased again in a formal manner. The Board doubted whether the zamindars who were looking forward to the recovery of their estates, would agree to this procedure which was intended to deprive them of their rights to their estates for ever.[3] When the matter came up before the Government, the Marquis of Tweeddale remarked "that it would be better that the Govern-

1 Revenue Consultations, dated 16th April 1841, Volume 519, paragraphs 24–38, page 3109 sqq.

2 Revenue Despatch from England, dated 21st June 1842, paragraphs 5–9 in Board's Consultations Volume 1828, page 13657 sqq.

3 Board's Consultations, dated 1st May 1845, paragraphs 4–7 in Revenue Consultations Volume 630, page 387 sqq.

ment should place their right to hold the estates and be in a position to deal with them as they see fit beyond all question." He thought that this could be done only "by proceeding in strict conformity with the law." "If this is not done," he said, "I do not see what security the Government has against legal proceedings on the part of the private creditors and an interference with its occupancy which may entirely frustrate the object contemplated by the temporary dispossession of the zamindars and for which they are required to surrender their sanads." He did not apprehend that there would be any objection on the part of the zamindars, if they were assured that the Government would in no way depart from the terms of the original surrender, namely, that they would grant a maintenance allowance and would promise also to ultimately restore the estates.[1] Mr. Chamier considered that there was no need to follow this procedure in a hurry: "I would leave things as they are until, from the pressing demand of creditors for the realization of their dues by the sale of the landed property of their debtors and an order of court to that effect, it may become necessary to assert the right of Government to prior payment. In that event, the zamindars will see that the sale of their estates is unavoidable. In the meantime, they will receive suitable allowance for their maintenance. The creditors lent their money well knowing that the Government has, by law, the first claim to payment and that, until arrears outstanding were realized, they could get nothing by the sale of the land."[2] Mr. Dickinson did not agree with Mr. Chamier: "I am decidedly of opinion that the Government cannot expect to introduce an improved system of revenue management into the zamindaris unless, as a preliminary measure it became the proprietor of them. This can only be accomplished by the estates being exposed to sale on account of the arrears due on them and purchased on behalf of Government. A private transfer of the estates to Government in discharge of public arrears is not contemplated by the Regulations, nor would it, I think, be held by the Courts to vest in the Government a valid title. Private creditors might, I think, at any time come forward and move the courts to sell the estates in satisfaction of their claims and I apprehend that the transfer of the estates to Government would form no bar to a compliance with their prayers. I see no necessity for making any reference to the Court of Directors. The law prescribes a course by which arrears of revenue are to be recovered and I think that course should be rigidly adhered to. A departure from the regular line will meritedly involve the Government in litigation and embarrassment."[3]

At this stage it may be well to state the law referred to by the Governor and the Members of the Council in these discussions.

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1 Revenue Consultations, dated 20th January 1846, Volume 630, pages 412–419.

2 Revenue Consultations, dated 20th January 1846, Volume 630, pages 420–421.

3 *Idem*, pages 421–422.

Regulations XXV[1], XXVI[2] and XXVII[3] of 1802 made the property and land of the zamindars security for the payment of the public revenue. Clauses 5 and 6 of the permanent settlement sanad[4] declared that, if the zamindar failed in his engagements, his personal property and his estate would be held answerable for such failure, that these would be sold for the payment of public revenue. Neither the Regulations nor the sanad definitely stated that land revenue was the first charge on the estate. But this was obviously the intention of the authors of the permanent settlement. And the point was made clear by a ruling of the Sadr Adalat, the highest of the East India Company's Courts. In its proceedings, dated 31st May 1833, that court observed: "By the provisions of the Regulations the public revenue takes precedence of all other demands and the lien of the Collector upon any surplus which might remain in his hands would therefore appear to carry a stronger claim than that of any other private creditor."[5] A sale for arrears of revenue was therefore considered to be free of all encumbrances. Any doubt which might still have remained on this point was removed by the Revenue Recovery Act, i.e., Act II of 1864. Section 2 of this Act declared that the land, the buildings upon it and its products should be regarded as the security of the public revenue, while Section 42 of this Act declared: "All lands brought to sale on account of revenue shall be sold free of all encumbrances."

In accordance with the opinion of the majority of the Members, the Government held that the assurance given to the zamindars, namely, the payment of a maintenance allowance and a promise of eventual restoration of the estates must be repeated and the estates put up for sale and bought in on account of the Government[6]. Accordingly the estates were auctioned and purchased on account of the Government and an assurance in writing given to the zamindars.[7]

Meanwhile, Mr. (later Sir Walter) Elliot, a Member of the Board of Revenue, had been deputed to Guntur to enquire into the conditions of the estates and to propose measures for their improvement. After a thorough investigation he submitted a comprehensive report dealing with all the aspects of the estates.[8] This report is voluminous and need not be summarized here. It was, as usual, a tale of extravagance and maladministration of the zamindars. But it must be stated here that his investigation clearly showed

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1 Sections 6 and 7.

2 Section 5.

3 Section 6.

4 Circular Orders of the Board of Revenue (1820–1850), page 591.

5 *Idem*, page 238, note 1.

6 Revenue Consultations, dated 20th January 1846, Volume 630, pages 423—429.

7 Revenue Consultations, dated 7th December 1847, Volume 663, paragraph 6, page 8503 sqq.

8 Revenue Consultations, dated 7th December 1847, Volume 662, pages 7882–8198 and Volume 663, pages 8199–8502.

that the arrears of peshkash could not be attributed to over-assessment. He said: "The more the subject is considered, the more evident does it appear that the permanent assessment was fixed on the most moderate and benevolent considerations. Not only was it taken at a low estimate of the usual public revenue, but all former balances due to Government were remitted, the proprietors were relieved by law from a load of private debt stated to amount to 50 lakhs and they were exempted from liability to the full demand for periods varying from 4 to 8 years during which their payments were gradually increased by moderate instalments. The merits of the permanent assessment never had a fairer trial than in Guntur."[1] After detailing the oppressive system of revenue administration adopted by the zamindars, he remarked that the people had no sympathy with the zamindars and that they were eager to come under the Government management; "My own experience of the sentiments of the people of the district does not confirm the opinion expressed by the Board of Revenue that the assumption of the estates by Government would be generally unpopular. On the contrary, the best and most respectable individuals, whom I met with, declared their anxiety to be placed under a permanent and firm system of administration that would protect them from the vexatious interference of the renting system and from the exactions and oppression under which they have so long suffered. As for feelings of attachment to the persons or families of the zamindars, I could not discover that any such existed beyond the range of their immediate followers. Neither could I discover among their dependents any of those tried and faithful hereditary servants so frequently found in old families."[2] He did not consider that the restoration of the estates was in any way a desirable measure, though the Government were committed to it and the zamindars pertinaciously clung to the terms of the agreement concluded with them. He recommended that, if the zamindars could be persuaded to relinquish their rights, they might be given liberal allowances partly in money and partly in lands for maintaining themselves in comfort and dignity. "Whatever may be adopted the amount would be most acceptable to the proprietors if bestowed in land on Servadoombala, or rent-free tenure. But, this would be less fitted to keep them unembarrassed than a money allowance and also less conducive to the welfare of the inhabitants of the tract committed to their charge. They should, however, have the proprietary right at least of the village in which they reside. The plan most likely to maintain them in a position of respectability would be to assign the provisions partly in land and partly in money. On these points, however, there could be no objection to consult the feelings of the parties concerned."[3]

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1 Revenue Consultations, Volume 662, paragraph 8 of the report, pages 7895–7896.

2 *Idem*, paragraph 103, pages 8047–8048.

3 *Idem*, paragraphs, 104–5, pages 8048–8052.

The evils of the zamindari management exposed by Mr. Elliot made a deep impression upon the Government. They now became convinced that it would be exceedingly unwise to restore the estates to the zamindars. The zamindars had grossly abused the trust reposed in them. The "enormous profits" which they had made owing to light assessment had been squandered and wasted away. They had neither cared for the welfare of the ryots nor discharged their obligations to the State. They had oppressed the ryots and accumulated arrears well over 40 lakhs of rupees. The Government remarked: „ Their system of revenue may be stated in a few words. There was no fixed demand on the ryot. In years of scarcity he paid the utmost that could be drained from him; "a good year was the signal for exaction." Every possible expedient was resorted to for this purpose and in fact, the only limit to the annual demand was the ability of the cultivator to pay. The profits of the zamindar thus extorted were squandered in litigation among the members of the families, bribery and corruption of public functionaries and in enriching Diwans and agents into whose hands the management of their affairs fell and instead, says Mr. Elliot, "of husbanding their resources to meet the demand of unfavourable seasons, they squandered them in law suits, ceremonies, in parades and a year of scarcity or misfortune completed their ruin." In 1836, the estates which had been previously zufted were placed under the management of their respective proprietors under the expectation that their knowledge of the resources would be valuable and that it would be their interest to promote the prosperity of the estates and to render a faithful account of their stewardship. This measure seems to have been attended with signal failure. Instead of discharging their obligations to the Government with honesty and with a view to their own ultimate benefit, their sole aim was apparently to realize all they could by extra cesses and, indeed, by any means at the expense of the Government to provide for their present wants. They did not scruple to furnish incorrect accounts. The Commissioner states in detail their depredations during the years they were thus permitted the exercise of this power and computes their illicit gains at a third of their actual receipts.[1] "The Commissioner is strongly opposed to the ultimate restoration of the estates, and looking to the experience of the past, to the character of the present zamindars and to the arguments advanced in the report, His Lordship in Council believes that such a course would not tend to the benefit of the country or people or prove of permanent advantage to the zamindars themselves." They therefore resolved to recommend to the Court of Directors that the estates might be permanently annexed to the Government lands and the zamindars granted allowance, partly in money and partly in land, as suggested by Mr. Elliot.[2]

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[1] Revenue Consultations, dated 7th December 1847, Volume 663, pages 8511–8512.

[2] *Idem*, paragrph 49, page 8525.

These facts took the Court of Directors by surprise. In their Despatch, dated 31st January 1849,[1] they stated that, when they had previously ordered[2] that the estates should be returned eventually to the zamindars, they had not been told of the full facts of the case.[3] It was now abundantly clear to them that the zamindars did not deserve any lenient treatment. They had wasted in a " long continued course of extravagance, litigation and excess not only those legitimate resources of their estates which formed the basis of the permanent settlement . . . . but the large additional sums which they are proved to have extorted under various pretences from their ryots."[4] They had shown neither the prudence nor the ability to husband the surplus collections of prosperous years for meeting the losses of adverse seasons. They had not benefited in the least by the moderation shown in fixing the peshkash.[5] Nor had they proved faithful when they were themselves allowed the privilege of managing their estates on behalf of the Government.[6] In view of all these considerations, the Directors entirely concurred with Mr. Elliot and the Government that the estates should not be restored to the zamindars.[7] Nor did the Directors think that the zamindars deserved the liberal allowances proposed to be granted to them by the Government: " Under all the circumstances we feel that we go the utmost limits of indulgence in permitting them to retain their present allowances and we desire that the reasons which have influenced us in arriving at this decision, as explained in the present Despatch may be fully made known to the ex-zamindars."[8]

The Court of Directors also took this occasion to reiterate in definite terms the policy of purchasing the estates on account of the Government whenever they fell into arrears. They said: " In your future arrangements connected with those districts we would impress on you the expediency of a stricter application of the sale law for the recovery of revenue. The leniency practised in this respect has subjected the Government to great losses, without, as we believe, any real benefit to the zamindars who have been thus favoured. Its usual effect has been merely to avert for a time the dispossession of the zamindars whose estates it has ultimately been found necessary to bring to sale, burdened with increased balances. In all ordinary cases, where estates known to be moderately assessed fall into arrears, except perhaps in the instances of some of the

1 Revenue Despatch from England, dated 31st January 1849, Volume 29, pages 63—113.

2 Pages 67–68 *ante*.

3 Revenue Despatch from England, dated 31st January 1849, Volume 29, paragraphs 8–9, pages 74–76.

4 *Idem*, paragraphs 5–6, pages 67–70.

5 Revenue Despatch from England, dated 31st January 1849, Volume 29, paragraphs 5–6 pages 67–70.

6 *Idem*, paragraphs 7 and 13, pages 70–74 and 79–81.

7 *Idem*, paragraphs 11–12, pages 77–79.

8 Revenue Despatch from England, dated 31st January 1849, Volume 29, paragraph 14, pages 81–85.

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hill zamindaris, which could not be conveniently managed by our officers, the provisions of the law should be enforced. The practice of pensioning dispossessed zamindars, a practice almost, if not altogether, unknown under the Bengal Presidency, must be discontinued, and you should prohibit all interference in arranging the private debts of zamindars on the part of officers of Government, whose whole time and attention should be devoted to their proper duties connected with Revenue administration of the country."[1]

The Guntur estates were accordingly never handed back to the zamindars. They were permanently annexed to the Government lands and were in due course settled under the modern principles of ryotwari system.[2]

This was the last occasion on which estates were acquired by the Government on a large scale. It may be stated here that by 1850, a large number of estates, ancient and proprietary (51 and 535 respectively), reverted to the Government. Most of these estates were purchased at revenue sales and all these estates were surveyed and settled on modern ryotwari principles at the time of the original settlement. The first half of the nineteenth century therefore was essentially a period of acquisition of estates in which the intentions to preserve even the most ancient estates never left any deep impression. But the second half of the century witnessed a change. It is true that in this period the general instructions for the purchase of estates issued in 1814, 1821 and 1823 still continued to be incorporated in the circular orders and the standing orders of the Board of Revenue.[3] But they do not seem to have been acted upon except in a few cases. The reasons for this are obvious. As is well known, from about 1860 the prices of all foodstuffs including the agricultural produce soared high,[4] with the result that the zamindars in most cases did not find it difficult to pay the peshkash. Revenue sales, therefore, necessarily became scarce. Again, from about 1870 it began to be more and more felt that as many estates as possible should be preserved. This is evidenced by a proposal seriously made and as seriously considered to amend the Court of Wards Regulation V of 1804 so as to make it possible for the Court of Wards to take over the management of all but the very small estates, involved in private debts, at the desire of the zamindar.[5] And, though this proposal was dropped on technical grounds, it again made its appearance in

[1] Revenue Despatch from England, dated 31st January 1849, Volume 29, paragraph 34, pages 110–113

[2] B.P. No. 1628, dated 9th March 1870—Master's Report, paragraph 9 sqq. in Board's Proceedings Volume for March 1870, page 2055 sqq.

[3] Standing Circular Order of the Board of Revenue (1820–1873), Volume 6, page 429. Also Board's Standing Orders, 1890 (Chentsal Rao's Edition), Order No. 106, pages 204–209.

[4] Memorandum on the Progress of the Madras Presidency by Srinivasa Raghava Ayyangar, page 36.

[5] G.Os. No. 39, Legislative, dated 21st July 1875 ; No. 958, Revenue, dated 7th November 1893, paragraphs 14–15 of Board's Proceedings, pages 3–4 ; B.P. No. 245 (Land Revenue), dated 11th June 1894, paragraph 2.

a more concrete form in 1883 when, Mr. Turner, the Collector of Vizagapatam, suggested the passing of an Encumbered Estates Act on the lines of the Sind Encumbered Estates Act to save the ancient zamindaris from ruin. The Board of Revenue dealt a powerful blow to this proposal and thus it was allowed to rest for a time. But it got up again in 1892, gained strength and, after some discussion, culminated in the Impartible Estates Act II of 1904. It is not our business to trace the history of this legislation which is mostly foreign to our purpose. But we cannot but refer to two interesting discussions which it evoked and which are relevant to our subject.

The first discussion arose over Mr. Turner's proposal. Mr. Turner stated that the zamindars were generally very extravagant and at the mercy of the money-lenders who lent them money with the hope of eventually getting their estates and that such was the case in the Vizagapatam district in which most of the estates were heavily encumbered. He considered that the ancient zamindaris were of the nature of estates in tail, that the zamindars had in them no more than a life-interest, that therefore their successors ought not to be made to suffer the consequences of their folly and that upon this ground as well as political considerations it was desirable to preserve the ancient estates by passing an Encumbered Estates Act.[1] But the Board of Revenue completely refuted all his arguments.[2] In regard to declaring the estates impartible, it observed, that according to Hindu Law all but a few of the ancient estates were partible, so that to declare by legislation all ancient estates impartible was to deny to a large number of proprietors a right which they had all along enjoyed and which had expressly been granted to them by Regulation XXV of 1802. It doubted both the expediency and the necessity for restraining their power of selling portions of their estates or encumbering them.[3] It also observed: "The Board consider that where the sole cause of a zamindar's difficulties is, as is almost always the case, his profligate extravagance, the Government only aid, abet and encourage that extravagance by interposing to protect him from the natural consequences of his misconduct for no other reason than that he is a zamindar." Such a policy, it remarked, would weaken the sense of responsibility in the zamindars, give rise to constant appeals from them to the Government to extricate them from their difficulties and necessitate their being continually maintained in a state of tutelage.[4] In regard to the supposed hardship to the zamindar's successor, it pointed out that the Hindu Law which makes a successor responsible for his father's debts gives him also the valuable right of reversion so that the law could not be regarded an unjust.[4] Nor was the measure proposed commendable to the Board from the point of view of the welfare of

1 G.O. No. 10, Revenue, dated 8th January 1884, pages 1–2.

2 *Idem*, pages 2–7.

3 *Idem*, paragraph 4, page 3–4.

4 *Idem*, paragraph 4, page 4.

the ryots. The Board explained how, from the very beginning, maladministration and oppression of the ryots were rampant in the zamindaris; how these had been lucidly exposed by the reports of Sir Henry Montgomery and Mr. Elliot in Rajahmundry and Guntur; and how both the Government and the Court of Directors had then advocated a policy of dismemberment and sale of zamindaris as being the only remedy for the evils of the permanent settlement. And it proceeded: "The Board do not consider that any thing has occurred in later years which necessitates a departure from the policy thus laid down by the Court of Directors." If the estates fell into the hands of money-lenders, the Board thought that the results might prove perhaps more beneficial to the ryots, since the money-lenders were generally shrewd men of business quite alive to their interests.[1] In regard to the political necessity, the Board saw no such necessity to preserve the zamindaris: "The Board question the existence of any such political necessity. They fail to see what service zamindars have rendered to Government or to the people that they should be maintained in spite of themselves and their follies, or what danger they can threaten that would make it politic to maintain or to conciliate them. Estates as old if not older and as great as those of Vizagapatam have disappeared from the zamindari rolls of other districts in the Northern Circars, but their disappearance caused no convulsion and scarcely a regret among the people with whom their proprietors had lived."[2] It appeared to the Board that the Government were already doing a great deal in an indirect way to assist the zamindars to manage their estates efficiently by suspending the collection of peshkash in calamitous seasons and by taking their estates under the Court of Wards when necessary and putting their affairs in order and educating them in their duties. "If, notwithstanding these advantages, the zamindars are unable to hold their ground, the Board consider," it said, "that so far as policy is concerned, it is the highest political wisdom to oppose no artificial obstacles to their decay. If special protective legislation is to be undertaken, it must rather be in the interests of the neglected tenants than in those of wasteful landlords who have abused their position and influence."[3] The Government entirely agreed with these observations of the Board and Mr. Turner's proposal was, therefore, turned down.[4]

This was in 1883–84. Soon after, the pendulum began to swing in the opposite direction. In 1888 the Government of India advocated the policy of maintaining "a native aristocracy of birth" and this was approved by the Secretary of State.[5] In 1890, the President of the Madras Landholders' Association

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1 G.O. No. 10, Revenue, dated 8th January 1884, paragraph 6, pages 5–6.

2 *Idem*, paragraph 7, page 6.

3 *Idem*, paragraph 8, pages 6–7.

4 *Idem*, page 7.

5 B.P. No. 459, (Land Revenue), dated 23rd August 1892, paragraph 26, in G.Os. Nos. 645–646, Revenue, dated 24th September 1895.

presented memorials to the Government requesting them to declare the ancient estates inalienable and impartible so as to prevent their dismemberment and disappearance and, when these were referred to the Board of Revenue, the Board took an altogether different view of the question from that of its predecessor of 1883.[1] This Board held that "the extinction or wholesale impoverishment of an ancient landed nobility can hardly be viewed as anything short of a calamity in a country situated as India is at the present day." What was applicable to England, it said, was not applicable to India which was several centuries behind England "in all political essentials". Nor should it be forgotten, it remarked, that the history of England itself "would have been very different but for the Runnymede Barons and the Whig nobles of the 17th and 18th centuries." It went on: "Politically it has not been alleged that zamindaris have been a source of weakness to Government in the past. They may, in the hands of an educated and advanced aristocracy, be a source of considerable strength in the future. The chief influence of great landholders may, however, be taken to be social and agricultural, and it is from this aspect the Board thinks that their maintenance is most desirable. From a social point of view, they are practically the only aristocracy in the country; but it is desirable for many reasons that there should be now and for a long time to come an aristocracy of birth as well. It will be admitted that nobles of ancient birth and lineage of high and undoubted social position in touch on the one hand with Government and in sympathy on the other with the minor landed gentry and the agricultural interests would have an influence which a mere successful merchant would not possess and would be in a particularly favourable position to lead society in the path of advancement and reform. As a landlord, the great zamindar may do incalculable good and with his hands tied by the new rent legislation under discussion he will be able to do but little harm."[3] The Board refuted the allegation of extravagance made by its predecessor against the zamindars as a class: "The zamindars of the present day are far more open to modern influences and to the pressure of an enlightened public opinion than they were even ten years back and these influences are daily increasing in strength."[4] Apart from political and social considerations, the Board also argued that it was "sheer justice" to enact the law prayed for by the ancient zamindars.[5] It is to be noted here that when the Board expressed these opinions it was under the impression that the rent legislation which was at that time contemplated would effectually protect the interests of the ryots.

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1 B.P. No. 459 (Land Revenue), dated 23rd August 1892, paragraph 26, in G.Os. Nos. 645–646, Revenue, dated 24th September 1895.

2 *Idem*, paragraph 23.

3 *Idem*, paragraph 24.

4 *Idem*, paragraph 25.

5 *Idem*, paragraph 26.

But the Government refused to be convinced by these elaborate arguments of the Board.[1] They explained that there was no justice in this legislation from the legal point of view.[2] Nor was there any justice in it, they said, from the point of view of general policy. They observed: "The past history of the Madras zamindars does not encourage the hope that agricultural interests would be in any way benefited by their maintenance. As to their being leaders of society, it does not appear that as a class they have yet done anything to deserve to be regarded as possible promoters of any desirable social reform. The Board is, indeed, more hopeful of the zamindars of the present day, but it has not shown by quoting any instances on what it grounds its hope and the Government is not aware of any clear indication in the direction[3]. . . If the present landowners cannot be trusted to keep their estates unless deprived of the power of alienating them, they stand condemned as unfit to hold them and as to the new class of landlords who, it is feared, would purchase estates as speculative investments only, there is no reason why they should, as a body, turn out to be worse landlords or should be inclined to rack-rent their tenants more than the present zamindars."[4] But the matter did not end here It was very soon taken up again and, after some discussion, resulted first in the Impartible Estates Act II of 1902 and then in the Impartible Estates Act II of 1904.

In these discussions it is necessary to remember that, though the Board of Revenue in 1892 was for maintaining the ancient landed aristocracy, it was not for preserving the mittadars, the owners of the proprietary estates.[5] In fact, in the same year it recommended the purchase on account of the Government of all such mittas whenever they came up for sale; and this proposal started once more the discussion about the policy of purchasing estates, a policy which had lain dormant for a long time. It happened like this.

In 1892, Mr. Stokes, the Collector of Salem, reported to the Board how the mittadars, in spite of their exacting from the ryots more than double the peshkash, took every opportunity to defraud the Government of the public revenue and yet managed to evade the provisions of the law. Act II of 1864, he said, insisted upon an elaborate procedure for selling estates in arrears. And very often, after all the tedious processes prescribed by the Act had been completed, the mittadars paid up the arrears at the last moment, a day or two before the sale, and thus wasted several

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1 G.O. No. 606, Revenue, dated 10th July 1893, in G.Os. Nos. 645–646, Revenue, dated 24th September 1895, pages 7–9.

2 *Idem*, paragraphs 5–6.

3 *Idem*, paragraph 7.

4 *Idem*, paragraph 9.

5 B.P. No. 459 (Land Revenue), dated 23rd September 1892, paragraph 28, in G.Os. Nos. 645–646, Revenue, dated 24th September 1895.

months of work of the Revenue authorities.[1] This led to the Board of Revenue to suggest to the Government the expediency of systematically purchasing the mittas on account of the Government, whenever they came up for sale for arrears of revenue or in execution of civil court decrees. It observed: The mitta system, as it exists in Salem, is an entirely vicious one and it gives rise to interminable complications. Every one would therefore be glad to see these mittas absorbed by the Government whenever opportunity offers. Whatever may be said in favour of the historic zamindaris, there can be no doubt that the breaking up of a large estate into comparatively small portions which almost always fall into the hands of persons who buy them as mere matters of speculation with the determination to get all they can out of them and without that hereditary interest in the welfare of the ryot with which the holders of ancestral estates may be credited, produces nothing but mischief. It would be for the benefit of the country that the Government should lose no opportunity of buying up any estates which may come into the market by reason of sale for arrears or otherwise. This need not be a losing speculation, considering that it pays people whose ideas of a fair profit are 12 or 18 per cent to purchase them, while the Government can raise money at 4 per cent at the outside. The course proposed would be merely a reversion to old policy, the Court of Directors having directed in their Despatch of 6th July 1814 that such estates should be purchased and that the ryotwari tenure should be introduced into them; and in its order, dated 21st September 1821, No. 715, Government remarked that there was no reason why Collectors should not buy such estates for their proper value. But the practice has long fallen into desuetude and, with the budget and provincial contract systems now prevailing, Collectors cannot act on the old order which is embodied in the Board's Standing Order No. 106, paragraph 9 (revised edition), without reference to Government in each case. The point is whether Collectors may be instructed to apply for orders in every case where permanently settled estates or portions thereof are advertised for sale either for arrears of revenue or in execution of civil court decrees.[2]

In their Order No. 1063, Revenue, dated 17th October 1892, the Government agreed with the Board as to the "good policy" of purchasing estates on behalf of the Government on account of arrears of revenue. But they thought that it would not be safe to buy them at court sales.[3] It will be remembered that from the earliest times it was the policy to purchase estates only at revenue sales and not at court sales. Some estates were, indeed, purchased at court sales, but they were rare exceptions. The

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1 B.P. No. 618 (Land Revenue), dated 28th October 1892, pages 1–2.

2 B.P. No. 334 (Land Revenue), dated 26th July 1892, paragraph 6 in Board's Proceedings No. 618 (Land Revenue), dated 28th October 1892.

3 G.O. No. 1063, Revenue, dated 17th October 1892, in B.P. No. 618 (Land Revenue), dated 28th October 1892.

Directors' Despatch of 1814, the instructions issued by the Government in 1821 and the policy adopted and envisaged in the subsequent period never contemplated the purchase of estates at sales held in execution of the civil court decrees. The reason is obvious. A purchase at a revenue sale gave an absolute title to the estate, free of all encumbrances. It was to obtain such title that the Guntur estates which had already been surrendered to the Government by the zamindars were handed back to them, formally put up for sale for arrears and bought in by the Government.[1] A purchase at a court sale did not confer on the purchaser an unencumbered title. His title was subject to the existing encumbrances and if these were not fully detected before the purchase, he might stand to lose. It was the apprehension of these undetected encumbrances that made the Government hesitate to approve the proposal of the Board. They, however, directed that the Collectors should be instructed to apply for orders in the case of both revenue and court sales. They also directed that every such application should be accompanied by a report containing full information regarding the condition of the estate and its probable market value and, when the sale was by order of a civil court, the encumbrances thereon.[2] Accordingly the Board incorporated these instructions in its Standing Order No. 106.[3]

Soon after this, the Accountant-General having ruled that the purchase of estates was to be considered as an investment of public money and that, according to the Civil Account Code, such an investment could be made only with the permission of the Government of India,[4] a letter was addressed to the Government of India.[5] In this letter the Government referred to the Court of Directors' Despatch of 6th June 1814 in which the Directors had advocated the policy of purchasing estates at revenue sales, and stated that this policy, which was expressly intended to ameliorate the condition of the ryots, had "remained unrealized" ever since 1817 as was evident from a report of the Board of Revenue recorded in that year.[6] They stated that they were "most anxious" that the policy enunciated by the Directors in 1814 "should be given some practical effect to." And therefore they requested that authority might be given them subject to such limitations as the Government of India might deem necessary, to purchase estates when they were brought to sale either for arrears of revenue or in execution of court decrees. They observed: "One limitation which His Excellency the Governor in Council would lay down is that the bid on behalf of Government in respect of any estate should be limited to the amount arrived at by capitalising at 6 per

[1] Pages 68–71 *ante*.

[2] G.O. No. 1063, Revenue, dated 17th October 1892 in Board's Proceedings No. 618 (Land Revenue), dated 28th October 1892.

[3] Board's Standing Orders (Chentsal Rao's Edition), Order No. 106, page 207.

[4] G.O. No. 2232, Revenue, dated 8th June 1894.

[5] G.O. No. 419, Revenue, dated 12th June 1894.

[6] G.O. No. 419, Revenue, dated 12th June 1894, paragraph 2.

cent the annual net income from an estate, such net income being calculated by deducting from the gross receipts the peshkash payable to Government, the cost of such village establishments as the proprietor has to maintain out of his assets, and in addition a small percentage (about 2 per cent) to cover the cost of collection. This rule, however, should apply only to cases in which estates are brought to sale for arrears of revenue, such sales being free of all encumbrances under Section 42 of Madras Act II of 1864 and conferring on the purchaser a valid title to the lands so sold (Section 39 *ibid*). Where the sale is by a civil court, the maximum limit of bid should be determined by taking account of such encumbrances (if any) on the estates as are likely to be binding on the purchaser, and care should also be taken to make sure that the purchaser gets a good title. These conditions point to the need of taking legal opinion before bidding for estates sold by civil courts, and . . . in the event of the Government of India sanctioning the proposal now submitted, proper measures will be taken to ensure the due fulfilment of these conditions."[1] And they added: "Apart from the benefit which might be expected to accrue to tenants in zamindaris thus purchased by Government, it is observed that, under the precautions mentioned above, the proposed measures will have the additional recommendation of being a good investment of public money. It would be for the Government of India, having regard to the financial requirements of the various parts of the Empire, to lay down a limit of amount up to which it could authorize this Government to expend Imperial funds in the manner proposed above. . . This Government does not expect that any large use will be made of the permission now asked for, as actual sale of estates will be of rare occurrence and it is only where the sale is on account of revenue (which occasions will be rarer still) that this permission will generally be availed of."[2] They said that they had in mind chiefly the purchase of mittas in the Northern Circars, in Chingleput, in Salem and in Tinnevelly, consisting often only of one or two villages or parts of villages and created at the time of the permanent settlement. They also said that "the condition of the tenants in these estates is often very unsatisfactory, owing partly to the circumstance that their hereditary proprietors are generally poor and partly because these estates often fall into the hands of persons who buy them as mere matters of speculation with the determination to get all they can out of them".[3]

In the light of what has been described in the preceding pages, it will be seen that this letter did not represent all the facts of the case. It gave an impression as if the orders of the Court of Directors of 1814 were never carried out. It ignored all the numerous and almost wholesale purchases of estates, which had been made from time to time in Chingleput, Salem, Rajahmundry, Guntur,

1 G.O. No. 419, Revenue, dated 12th June 1894, paragraph 3.
2 *Idem*, paragraph 4.
3 *Idem*, paragraph 5.

etc. There is information in the records to show how in pursuance of the orders of the Directors no less than 51 ancient zamindaris and 535 proprietary estates had been, by 1850, acquired by the Government. Nor was the reference made to the General Report of the Board of Revenue of 1817 relevant; because that report merely asked for orders on certain points connected with the purchase of estates and did not state that the purchases were not made. Again, the letter cannot be said to have given a correct and complete picture of the conditions prevailing in the estates. As has been shown already, upto 1850 the condition of the ryots in most of the estates was considered to be so bad as to call for the acquisition of the estates with a view to converting them into ryotwari tenure. From 1860 onwards upto 1894—i.e., the very year in which the Government wrote this letter to the Government of India—proposals for ameliorating the conditions of the ryots in the estates by legislation constantly came under the serious consideration of the Government. First came the Rent Recovery Act of 1865. When it was found that it did not go far enough, several bills were prepared by Mr. Carmichael, by Sir Phillip Hutchins, by Mr. Ross and by certain committees and a great deal of discussion on these bills took place, which showed beyond doubt, the distress of the estate ryots.[1] Nor was this all. As has been seen already, the Government themselves, both in 1884 and 1893, were clearly of opinion that the ryots in the estates, ancient as well as proprietary, were subjected to serious drawbacks.[2] But in this letter to the Government of India only a passing reference was made to the unsatisfactory condition of the ryots and that too only to the condition of the ryots of the proprietary estates. Nothing was said about the condition of the ryots in the ancient estates. Further, by stressing the financial aspect of the proposal, by stating that it would be a good investment of public money and by clubbing the safe purchase of estates at revenue sales with the risky purchase of estates at court sales, the Government appear to have weakened rather than strengthened the case. It was not surprising therefore that, as Sir Alexander Cardew observed subsequently[3], the Government of India vetoed the proposal of this Government.

In fact, the Government of India looked at the proposal mainly from the financial view point.[4] They remarked that both in respect of revenue and court sale it had been proposed to fix the limitation of the price to be given on the gross revenue, but it had not been shown how this gross revenue was to be ascertained. It was, they said, obvious that the rental of the mittas could not be taken as the gross revenue, inasmuch as it was admittedly a rack-rental imposed by persons who had bought the mittas as mere matters of speculation with the sole object of getting all they could out of

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[1] The note on the "Permanent Settlement" by Sri P. K. Gnanasundara Mudaliar (Printed), pages 102–103.

[2] Pages 75–77 and 79–81 *ante*.

[3] G.O. No. 1518, Revenue (Confidential), dated 20th May 1912, page 16 of notes.

[4] G.O. No. 70, Revenue, dated 4th February 1895.

them. " It is doubtful," they went on, " whether Government can ever manage proprietary estates belonging to itself with success from a financial point of view; for, besides the difficulty of securing close personal supervision by trustworthy agency, Government cannot afford to be a strict landlord and least of all when "condition of the tenants is very unsatisfactory." It is true that the object of the present proposal is not to make money; yet, if the result is to be that money will be lost, the question arises whether the object is such as to justify this loss."[1] From this it is apparent that the Government of India felt that this Government had not made out a strong case, had not sufficiently stressed the need to improve the condition of the ryots so as to justify a proposal which appeared to them financially unsound.

The Government of India then set out to explain how the proposal appeared to them financially unsound. The proposal to introduce the ryotwari settlement into the purchased estates, they said, meant the purchase of two rights; (1) the right to hold the estate at a permanently-fixed revenue which was obviously less than that which would be payable under a ryotwari settlement and (2) the proprietary right to receive a rent which was obviously larger than the revenue that would be payable to the Government under a ryotwari settlement. The Government would then, they stated, grant a right of occupancy on condition of payment of a full ryotwari assessment. This action, they observed, " would extinguish the former of the two rights "; that is to say, there would no more be any middle man standing between the State and the ryots, paying a permanently-fixed revenue after taking some portion of the rents as his legitimate profits, that, in other words, the State would be dealing directly with the ryots and collecting from them a full ryotwari assessment. To this extent, the Government of India continued, "although it may almost be taken as an axiom that the Government loses by buying back rights which it has once conceded, yet the additional revenue received might be taken as a fair equivalent for so much of the price as would be paid on account of that right." But actually, they rightly pointed out, the Government had purchased more than this right of levying a full ryotwari assessment. That was the value of the second right, namely, the right to receive a rent which was larger than the revenue that would be payable to the Government under a ryotwari assessment. And it appeared to them that this Government " would be making a free gift of this right to the new occupants." It was, they said, " true that the right of occupancy might be sold, but it is impossible that the full purchase value of the difference between ryotwar revenue and rent would be thus realised." And it was " still more unlikely," they observed, " that the depressed tenants, to benefit whom is the main object of the proposal, would be able to buy it, while, if they could not do so, they would not

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[1] G.O. No, 70, Revenue, dated 4th February 1895, paragraph 2 of the Government of India's letter.

necessarily be any better off because Government had bought the rights of one landlord to sell them to another."[1]

And here we may remark that this reasoning from the financial point of view could not have been convincing to those who looked upon the measure as essentially administrative. This Government, though they conceived that their proposal was a good investment of public money, never entertained the idea of selling the occupancy rights to the estate ryots; their intention was to lower the assessment on the estate ryots and to better their condition, by fixing the ryotwari assessment in the place of the high arbitrary rents imposed by the mittadars. The Government of India, however, do not appear to have attached sufficient importance to this object.

The Government of India, looking still at the measure from a financial view point, remarked: "There are always general objections to Government engaging in commercial transactions, save under real necessity. It pays more and realises less than any private person. In the case in point its mere appearance as a purchaser would raise the price; the limits which it had fixed to its bid would infallibly be ascertained and it would never be allowed to acquire the property for less."[2] As has been already remarked, this Government really never considered their proposal so much from a financial point of view as from an economic point of view and they could not have been unaware that there were possibilities in which private persons might raise the bid to the intended maximum; but such cases, they must have thought, would be few.

The Government of India further observed: "It may be asserted broadly that a proprietor does not usually allow his estate to be brought to the hammer, so long as it is in any way worth keeping; and that financially speaking, at least, Government is likely to manage the estate even less successfully than the proprietor."[3] About this argument it may be said that the mere fact that an estate had become not "worth keeping" does not mean that it cannot be improved. We have seen numerous instances of estates brought to the verge of ruin by the mismanagement of the proprietors, and subsequently acquired by the Government and improved under the ryotwari management.

Finally, in regard to the purchase of estates sold under decrees of courts, the Government of India said: "They are seldom sold, until the owner is deeply involved, incumbrances almost certainly exist and it is practically impossible to ascertain them with certainty."[4] It is true that these objections are valid. No absolute

[1] G.O. No. 70, Revenue, dated 4th February 1895, paragraph 3 of the Government of India's letter.

[2] *Idem*, paragrpah 4 of the Government of India's letter.

[3] *Idem*, paragraph 5 of the Government of India's letter.

[4] G.O. No. 70, Revenue, dated 4th February 1895, paragraph 5 of the Government of India's letter.

title to such estates can be acquired, the purchaser being bound to respect all existing encumbrances. It being difficult to ascertain these encumbrances, a certain amount of risk is certainly involved in purchasing them. But the real point was whether it was not worth while undertaking this risk in view of the larger public interests, in view of the amelioration of the condition of the agricultural classes.

Anyway, for the reasons which they urged and which we have already seen, the Government of India considered that "it would be inexpedient to adopt the present proposals,"[1] and there the matter ended in the last century.

In the present century no estates were purchased by the Government either at court or at revenue sales and converted into ryotwari. Proposals to that effect were, indeed, made from time to time, but all of them came to nothing. And for this the reasons were various. All discussions were throughout carried on under the shadow of the Government of India letter of 1895 and it was every time doubted whether that Government could be induced to step aside, to make the path clear. The doubts became stronger, as it was more and more realized that the purchase at civil court sales or at sales conducted by the Court of Wards could convey no absolute title and that the purchase at revenue sales could not be urged as a real necessity in view of the ostensible security provided to the ryots by the Estates Land Act of 1908. It was felt that it was impossible to make out a strong case to convince the Government of India to lift the ban on purchase so long as this Act which purported to preserve the rights of the ryots could not be proved to be a failure. It was felt that this Act had, in fact, created a new situation by conferring tenancy rights, and that, even if the estates were to be purchased, those rights could not be replaced by the ryotwari tenure, except by special legislation. And, finally, coming nearer to our own times, it was felt that, though this Act had failed to answer its purpose, matters in the estates could be set right, not by purchasing the estates and converting them into ryotwari—a somewhat costly process—but by compelling the zamindars to adhere to the rates of rents which prevailed at the time of the permanent settlement.

The first occasion on which the purchase of estates by the Government was considered in this century was in 1905. In that year the Court of Wards which was managing the Karvetnagar estate found itself in a strange predicament. The estate worth only about 88 lakhs had accumulated private debts to the tune of over 102 lakhs of rupees[2] and there was no way by which the debts could be cleared off, except by its sale under Rule 17 of the Rules framed under Section 35 of the Court of Wards Act of 1902. The Court of Wards therefore suggested to the Government that the

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[1] G.O. No. 70, Revenue, dated 4th February 1895, paragraph 6 of the Government of India's letter.

[2] G.O. No. 1103, Revenue (Confidential), dated 5th August 1905, paragraphs 11 and 16 of Court's Proceedings No. 8, dated 23rd January 1905, pages 29–30.

estate might be sold and purchased on account of the Government.[1] "The desirability of bidding at the auction", it said, "would, in any case, have the advantage, from the point of view of both the lesser creditors and the Raja, of inducing some active competition among the bidders and, if Government proved to be the successful bidder, it would be the means of conferring on the tenants of the estate, the advantages of a ryotwari settlement." It went on: "From the point of view of public policy, Government would gain immensely by such a step, as it would be in the interests of the tenants to be converted into ryotwari pattadars rather than to be tenants-at-will of the host of minor rack-renting landlords who would otherwise divide the estates themselves. The Government would, of course, obtain from the estate, if surveyed and settled, a much larger revenue than the present peshkash and even if they decided to take more than the ordinary settlement rates of assessment as compensation for the purchase money invested by them, they could still afford to reduce the current rates considerably and this would be appreciated by the ryots as an everlasting boon."[2] The Court of Wards was aware of what the Government of India had stated in 1895, but it thought that, even if the Government of India were to refuse to go back upon the position taken by them, they might be willing to treat the Karvetnagar case as an exceptional one.[3]

When this proposal came before the Government, a good deal of discussion ensued.[4] One of the Members of the Council said that it was a pity that the Government of India's letter stood in the way.[5] The Governor said that he was convinced of the arguments urged by the Court of Wards; "It is in my view essential that we should not lose sight of the interests of the ryots while we are considering those of the zamindar and his creditors".[6] Another Member of the Council declared that he had "always been in favour of buying in estates by Government where possible, even at a high price," though he rightly remarked "India for reasons which have always seemed to be more those of the sowcar than the statesman have disallowed the purchase at such sales." And he suggested that the Government of India might be addressed again to revise their opinion.[7] But then there arose one difficulty. Mr. (later, Sir John) Atkinson, the Secretary, raised a serious point for consideration. Since the sale was not one for arrears of revenue but for the liquidation of private debts, he thought that, if the Government were to purchase the estate, they might have to take upon themselves all the encumbrances on the estate.[8] The Advocate-

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1 G. O. No. 1103, Revenue (Confidential), dated 5th August 1905, paragraphs 22 and 16 of Court's Proceedings No. 8, dated 23rd January 1905, page 33.

2 *Idem*, paragraph 22.

3 *Idem*, paragraph 22.

4 G.O. No. 988, Revenue (Confidential), dated 10th October 1905—*see* notes.

5 *Idem*, page 3 of the notes.

6 *Idem*, page 4 of the notes.

7 G. O. No. 988, Revenue (Confidential), dated 10th October 1905, pages 4–6 of the notes.

8 *Idem*, page 5 of the notes.

General, to whom the matter was referred, declared that, under the Rules of the Court of Wards, the estate could not be purchased free of encumbrances.[1] It was at first considered that the Rules of the Court of Wards might be amended to provide for a sale free of encumbrances,[2] but subsequently it was thought that such a modification might be *ultra vires*,[3] and in the meanwhile, the Raja of Karvetnagar having died and the estate having been restored to his successor, the question of purchase was dropped.[4]

But the position of the estate remained as bad as ever.[5] When the Raja to whom it had been handed over also died, his son, a minor, sought the protection of the Court of Wards and, though the Court of Wards was unwilling to manage it, the Government ordered that the Court of Wards should manage it in the interests of the tenants.[6] The estate was thus again taken over by the Court of Wards and again in 1909 the same old question arose whether the Government could purchase it and convert it into ryotwari, instead of allowing it to be broken up and bought by a host of creditors. Once more the Government of India's letter of 1895 was discovered to be an obstacle to this course and once more it was considered that the estate could not, under a court sale, be purchased free of encumbrances.[7] There was now, however, one consolation. In 1908, just the previous year, the Estates Land Bill, after more than 30 years of deliberation, had been passed into law. It was thought that under the provisions of this enactment the ryots would be in a position to safeguard their rights and hence there was no urgent necessity for purchasing the estate. One of the Members of the Council remarked: "There seems to be no alternative therefore to the gradual dismemberment of the estate by court sales and the unfortunate ryots must protect themselves as best they can with the help of the Estates Land Act."[8] The question of purchase was thus dropped a second time.[9]

The question, however, came up again in 1912, this time in connection with the Kalahasti estate.[10] Mr. (later, Sir Alexander) Cardew found that the zamindar of this estate had not only accumulated private debt estimated over 40 lakhs of rupees but had also deliberately adopted the policy of falling into arrears to spite

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1 G. O. No. 988, Revenue (Confidential), dated 10th October 1905, page 3 of the Government Order.

2 *Idem*, pages 3–5 of the Government Order and pages 10–19 of the notes.

3 *Idem*, pages 8–9 of the Government Order and page 19 of the notes.

4 *Idem*, page 15 of the notes.

Also G.O. No. 2487, Revenue (Confidential), dated 8th September 1909, page 1 of the notes.

5 G. O. No. 2487, Revenue (Confidential), dated 8th September 1909, page 1 of the notes.

6 *Idem*, page 1 of the notes.

7 *Idem*, pages 5–6 of the notes.

8 *Idem*, page 7 of the notes.

9 *Idem*, page 18 of the Government Order.

10 G.O. No. 1518, Revenue (Confidential), dated 20th May 1912.

his son with whom he had a feud.[1] Mr. Cardew therefore proposed that, if possible, the estate should be purchased by the Government either at court or at revenue sale.[2] Then followed a somewhat elaborate discussion. It was pointed out that a purchase at a revenue sale would, under Section 42 of the Revenue Recovery Act II of 1864, be free of encumbrances; and that the only engagements which would have to be respected then would be the legitimate leases granted to tenants for cultivating lands, for reclaiming waste, etc., under Sections 32 and 41 of the same Act. It was likewise pointed out that a purchase at a court sale, on the other hand, would not confer an absolute title, that in that case unless all mortgagees were made parties to the suit, or unless arrangements were made to satisfy their claims, the encumbrances on the estate would devolve on the purchaser under the Transfer of Property Act. It was remarked that to make all creditors parties to the suit was obviously impossible, that there was always the possibility of undisclosed encumbrances, and that, even if the Registration offices were consulted, it would be difficult to find out how much of the original debts had been paid off and how much interest upon them had remained unpaid. In the case of the Kalahasti estate there was a further difficulty, namely, the existence of a charge on the entire estate for the maintenance of the junior members of the zamindar's family, and this charge, it was urged, could not be evaded by the purchaser.[3] In view of these difficulties, Mr. Cardew deprecated purchase at a court sale, but advocated purchase at a revenue sale,[4] as it would be for the advantage of both the Government and the ryots. But even to this course the Revenue Member thought there were certain difficulties in the way. First of all, there was the need for securing the permission, which the Government of India had refused to give in 1895. Secondly, there was the impossibility of keeping the Government's intended maximum bid secret and therefore the bidding was likely to go up to that figure in every case. Thirdly, there was the difficulty of ascertaining the fair market value of the land. And finally, there was the fact to be remembered that, since the Government could not exact from the ryots as much as the private persons, they could not bid as high as others.[5] Nor was this all. Mr. Cardew himself, who brought forward the proposal, felt in the end that the passing of the Estates Land Act had "weakened the case for substituting ryotwari for zamindari tenure in that it had given every holder of ryoti land in an estate an occupancy right which ought to secure him against aggression and encourage him to improve his holding."[6] The matter was accordingly for the third time considered and dropped.[7]

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[1] G. O. No. 1518, Revenue (Confidential), dated 20th May 1912, pages 2–6 of the notes.

[2] *Idem*, page 6.

[3] *Idem*, pages 7–10 of the notes.

[4] *Idem*, page 17 of the notes.

[5] *Idem*, pages 10–12 of the notes.

[6] *Idem*, pages 16–17 of the notes.

[7] *Idem*, page 24 of the notes.

But the matter could not really be shelved for ever. For, so long as the zamindari system continued and the zamindars mismanaged the estates, it was bound to come up in one form or other. It came up again in 1919 in connection with the Polavaram estate, the condition of which was found to be as bad, if not worse, than that of the Karvetnagar and Kalahasti estates. The Court of Wards found that this estate, which had devolved upon a minor, had accumulated private debts to the extent of 16½ lakhs of rupees, the interest upon which came to Rs. 89,000, while its net income was only Rs. 70,000 annually.[1] The Court of Wards realized that the sale of the estate was inevitable, but it felt that the Government were "morally bound" to "control the dissolution of the estate."[2] Thus, when the matter came up before the Government, one of the Members raised once more the old question whether it would not be desirable, if the estate were to be sold, for the Government to buy it in and to convert it into ryotwari.[3] It was then pointed out that the obstacles, which stood in the way of buying in, were not only the difficulties of convincing the Government of India and obtaining an absolute title at court sale, but the necessity of fresh legislation to convert lands governed by the Estates Land Act into ryotwari lands. It was stated that a declaratory Act excluding the Polavaram estate from the provisions of the Estates Land Act would first have to be passed before converting it into ryotwari.[4] Upon this, he remarked that "the attempt to secure India's sanction to purchase" was "unlikely to succeed" and that, even if the sanction was obtained, "it would be difficult to be sure of the title." "In any case," he remarked, "we could not convert to ryotwari without legislation."[5] Eventually, on account of the difficulty of purchasing the estate free of encumbrances at court sales, the proposal was negatived.[6]

Within one year, however, it cropped up again, and this time in connection with the Bagalur estate in Salem.[7] The Court of Wards who managed it reported to the Government that it was not only in arrears but was irretrievably indebted to private creditors. The sale of the estate, therefore, it said, was in any case inevitable.[8] The Governor then observed: "The estate is mortgaged up to the hilt to the Chetty; if we reduce the peshkash, the Chetty will think it good enough to foreclose and buy. If we keep the peshkash at its present level, no one will buy and the Court of Wards cannot rent the estate without getting into

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1 G.O. No. 2983, Revenue (Confidential), dated 30th December 1919, pages 1–2 of the Government Order.

2 *Idem*, page 1 of the Government Order.

3 *Idem*, pages 4–5 of the notes.

4 *Idem*, pages 6–8 of the notes.

5 *Idem*, page 8 of the notes.

6 *Idem*, pages 10–11 of the notes.

7 G.O. No. 1142, Revenue (Confidential), dated 19th May 1920.

8 G.O. No. 1142, Revenue (Confidential), dated 19th May 1920, pages 3–4 of the Government Order.

debt. The only thing to do seems to be for Government to put the estate up to auction and if the auction fails, for Government to buy." It was admitted that the estate so purchased at a revenue sale would be free of encumbrances, but then the Member brought forward the argument he had urged before in the case of the Polavaram estate. He said: "I am not sure that we could convert the estate to ryotwari if we did buy it in. Such a transaction would apparently have the effect of putting Government in the position of the poligar, the tenants retaining their occupancy rights."[1] This is perfectly true, but this certainly, we must remark, cannot be regarded as an insuperable difficulty. As was suggested to him in the case of the Polavaram estate, what was needed was simply a declaratory Act to take away the estate out of the purview of the Estates Land Act and thus to pave the way for the conversion into ryotwari. Anyway, the Governor eventually gave up his idea and so the proposal to purchase the estate was dropped once more.[2]

This argument that, if the Government purchased any estates after the passing of the Estates Land Act, they would be simply occupying the position of a zamindar was again considered a valid reason for turning down a proposal made in 1928 to sell the Gandamanayakkanur estate in Madurai to the Government.[3] It is strange that in considering this proposal also the remedy of legislation suggested in 1919 was not given the sufficient weight that it deserved.

Thereafter, the whole matter connected with the zamindaris rested for a while. Then came the new era of Constitutional Reforms, and the emergence of these reforms, of Provincial Autonomy, created some misgivings in the zamindars. In 1935 the British Indian Association presented to the Secretary of State a request from the zamindars and other landholders of Bengal that under the new constitution adequate safeguards might be provided by means of the Instruments of Instructions to be issued to the Governor-General and the Governors.[4] The Association expressed its approbation of the recommendation of the Joint Select Committee that the "Governor should be instructed to reserve for the signification of His Majesty's pleasure any Bill passed by the Legislature which would alter the character of the permanent settlement,"[5] but viewed with alarm the intention expressed by the Parliamentary Under Secretary of State in the House of Commons on 28th May 1935 that the previous sanction of the Governor-General or the Governors as the case might be, which would be required by Section 299 (3) of the Government of India Act in the case of any legislative proposal for the alteration

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1 G. O. No. 1142, Revenue (Confidential), dated 19th May 1920, page 7 of the notes
2 *Idem.*
3 G.O. No. 1510, Revenue, dated 11th July 1928, pages 15–16 of the notes.
4 G.O. No. 290, Revenue, dated 11th February 1936, page 5 sqq.
5 Joint Select Committee's Report, Volume I, paragraph 372, pages 218–219.

of the permanent settlement should always be given. The Secretary of State replied that the memorialists must have been doubtless aware of the fact that the provisional drafts of the Instruments of Instructions to the Governor-General and the Governors contained an injunction requiring that any Bill which would alter the character of the permanent settlement, instead of being assented to by the Governor-General or the Governor as the case might be, should be reserved for the signification of His Majesty's pleasure. This proposed instruction, he pointed out, was an exact fulfilment of the Joint Select Committee's recommendation: this Committee thought it would be inappropriate, on the one hand, while transferring the control of the administration of the land revenue to a Governor acting on the advice of Ministers, to limit the legal competence of the Ministers and of the Legislature to deal with that matter; or, on the other hand, to make the right to ventilate legislative proposals designed to alter the permanent settlement dependent on the previous sanction of the Governor. He admitted that Section 299 (3) of the Act was drawn up in terms which would almost certainly cover any measure designed to alter the permanent settlement; but the sole reason for that fact, he said, "is that it was found impossible to frame a provision designed to secure previous sanction for legislative measures affecting rights in land generally in terms which would not have this result." The inclusion, therefore, he stated, in the Instruments of Instructions of an additional injunction on the lines indicated by the Parliamentary Under Secretary of State on 28th May was "in strict conformity of the intention of the Joint Select Committee." For that Committee was of opinion that, while nothing should be done to prevent the full ventilation in the Legislature of the proposals for the modification of the permanent settlement, yet His Majesty's Government ought themselves to assume the responsibility for deciding whether in any given case it was expedient that the engagements entered into by the British Government in the past with the zamindars and others should be modified by the responsible Indian Government. In these circumstances, the Secretary of State saw no grounds for the apprehension felt by the zamindars.[1]

But whatever ultimate security they might have by these provisions, the zamindars of this province, as of Bengal, must have had some cause for apprehension. As is evident from what has been indicated already, their administration was never such as could withstand strong currents of popular criticism. They must have, therefore, known that under an autonomous Government they were likely to be assailed on all sides. And, indeed, no sooner was the Act of 1935 brought into operation, than the Government ordered a detailed enquiry into the affairs of the estates and three Bills were brought forward by members of the Legislature, two for the repeal of the Impartible Estates Act II of 1904 and one for the abolition of the Partible Estates.

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[1] G.O. No. 290, Revenue, dated 11th February 1936, pages 3–4.

The first of the two Bills for the repeal of the Impartible Estates Act was proposed in 1937 by Sri A. Rangaswami Ayyangar, M.L.C.[1] This Act, he said, resulted in tying up property by restricting alienation and partition according to Hindu Law, and in making the zamindars irresponsible. It infringed, he stated, the liberties and privileges of the people and perpetuated the existence of mediæval feudalism for which there was no justification.[2] When it came up for consideration before the Government, most of the Ministers thought that it was premature and wanted that the previous sanction of the Governor for its introduction in the Assembly should be withheld.[3] Eventually, Sri Rangaswami Ayyangar was induced to withdraw his Bill.[4]

The second Bill for the repeal of the Impartible Estates Act was proposed in 1939 by Sri Kala Venkat Rao, M.L.A.[5] His views were, in essence, similar to those of Sri Rangaswami Ayyangar.[6] He summed them up in one sentence: "The Impartible Estates Act 1904 viewed from any stand-point is an unprogressive piece of legislation and an anachronism unsuited to modern conditions of the Hindu society and repugnant to progressive ideals of Hindu Law."[7] But this Bill was also considered to be premature by the Government especially in view of the Report of the Estates Land Act Committee which was then being considered,[8] and the Legislature being prorogued shortly afterwards, it was not introduced into the Assembly.[9]

The Bill for the abolition of the Partible Estates was brought forward in 1937 by Sri M. G. Natesa Chettiar, M.L.A.[10] Himself a zamindar, he felt that the measure he had in contemplation would sooner or later be placed on the Statute Book, and he thought that it would be better to introduce it before socialistic ideas developed in the land.[11] His object, he stated, was to put an end to the conflict between the zamindars and the tenants and to improve agriculture. This, he said, could be achieved in a large measure, by purchasing the partible zamindaris on account of the Government and converting them into ryotwari.[12] His Bill provided for this and also for the compensation of the dispossessed zamindars for the loss of their rights by a sum not exceeding 20 times the net income of their estates and payable within a period of 25 years from out of the proceeds of the estates. The Bill also provided

[1] G.O. No. 2567, Revenue, dated 10th December 1937.
[2] *Idem*, pages 2–3 of the Government Order.
[3] *Idem*, pages 19–22 of the notes.
[4] *Idem*, pages 24–30 of the notes.
[5] G.O. No. 2862, Revenue, dated 1st November 1939.
[6] *Idem*, pages 7–9.
[7] *Idem*, page 9.
[8] *Idem*, pages 16–19.
[9] *Idem*, page 23.
[10] G.O. No. 1213, Revenue, dated 9th May 1938.
[11] *Idem*, page 3.
[12] *Idem*, page 2.

for payment of interest at the rate of one-twentieth of the income of the estate, until the compensation was paid off, out of a sinking fund formed from the revenues of the estates themselves. He suggested that the compensation might be determined by an itinerary tribunal consisting of 3 persons, of whom two might be a Collector and a District Judge.[1]

When this Bill was referred to the Board of Revenue for remarks, the Board condemned all its provisions.[2] The Board questioned the existence of any antagonism between the zamindars and the ryots. The annual reports on the working of the Estates Land Act for the preceding 10 years, it said, showed no such antagonism.[3] It failed to see how the Bill could effect an improvement of agriculture.[4] Nor could it see why a distinction had been made between the partible and the impartible estates, as there was nothing to show that the conditions in the former were in anyway worse than the conditions in the latter.[5] Moreover, it observed: "The Bill involves the breach of old and solemn promises made by the Government at the time of the permanent settlement and there is no crisis demanding immediate action to avert a social upheaval." It considered that it would be unfair to deprive the zamindars of their proprietary right which they had enjoyed for nearly a century and a half, even though "a compensation of a sort" was to be paid to them.[6] From the financial view point also, the Bill appeared to the Board to be quite impracticable and unjust. For one thing, it said, the compensation at 20 times the net income (based on a rate of interest of 5 per cent) could not be regarded as fair to the zamindars, since the rate of interest was generally much lower than 5 per cent.[7] For another, it pointed out that by converting the estates into ryotwari the Government would never be in a position to realize as much revenue as the zamindars; that is, they would be getting by way of revenue something much smaller than the amount on the basis of which the compensation was to be paid. And this in turn, it remarked, implied that "the capitalised value of the difference in income will be dead loss which will have to be borne by the general tax-payer."[8] The Board saw no justification for imposing this burden on the tax-payer. If the net income was taken to be the actual amount realized by the zamindar less peshkash, cost of collection, etc., and not the theoretical amount due to him, the loss to the tax-payer, it said, might be reduced.[9] As it was, however, the Board calculated that the compensation on the lines indicated in

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1 G.O. No. 1213, Revenue, dated 9th May 1938, pages 1–2.

2 *Idem*, pages 13–19.

3 *Idem*, page 14.

4 *Idem*, page 14.

5 *Idem*.

6 *Idem*, page 14.

7 *Idem*, page 15.

8 *Idem*, page 15.

9 *Idem*, pages 15–16.

the Bill would amount to no less than 16·2 crores of rupees.[1] Nor was this all. The Bill, it thought, would have the effect of conferring an undeserved benefit upon the zamindari ryots. The ryots in the estates, it observed, had generally purchased lands at low rates because of the disadvantages attached to their tenure and by altering this tenure into ryotwari, they would be deriving a benefit for which they had paid nothing.[2] The Board further pointed out another serious flaw in the proposed legislation. It argued that, since the zamindar was proposed to be paid only one-twentieth of the *income* as interest until the compensation was paid off, he would be deriving only a mere fraction of his actual income for a period of perhaps 20 to 25 years; and this was, the Board said, hardly distinguishable from confiscation of property.[3] For these reasons the Board held that the Bill had "nothing to recommend it from any point of view."[4]

In view of the fact that the Estates Land Act Committee was then sitting, the Government pronounced no opinion on the Bill and requested Sri Natesa Chettiar to withdraw it,[5] but when he persisted in introducing it[6] into the Legislature, he was told that the recommendation of the Governor required under the 1935 Act had been withheld.[7] Thus, the last proposal to acquire estates and convert them into ryotwari came to nothing.

Shortly afterwards the Estates Land Act Committee submitted its report. This report contained a series of recommendations for improving the condition of the ryots in the estates, the most important of which were that the ryot should be recognized as the owner of the soil, and that he should not be ejected so long as he paid to the zamindar the rent prevailing in the year preceding the permanent settlement.[8] The Committee made no proposal to acquire the estates on account of the Government. Its findings and recommendations have not therefore been described here where we are primarily concerned with the policy of acquiring estates and converting them into ryotwari.

Having thus traced in detail the history of the acquisition of estates and their conversion into ryotwari, we may proceed to consider in what manner that policy can, at present, be pursued, what are the practical difficulties in pursuing it, and to what extent they can be overcome. It is clear that there are four ways by which the Government can acquire estates: (1) by bidding at sales for arrears of revenue, (2) by bidding at civil court or Court of Wards sales, (3) by obtaining a voluntary surrender of the estates from their owners and (4) by legislation for abolishing the zamindari system.

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1 G. O. No. 1213, Revenue, dated 9th May 1938, page 19.
2 *Idem*, page 15.
3 *Idem*, page 16.
4 *Idem*.
5 *Idem*, pages 5–6 and 11.
6 *Idem*, pages 7, 21, and 23–27.
7 *Idem*, page 23.
8 Report of the Estates Land Act Committee, Part 1, pages 256–257.

Purchase at revenue sales is a better method than that of purchase at civil court or Court of Wards sales or that of acquisition by surrender, in that it has one signal advantage over them; and that is, it confers on the purchaser an absolute title to the estate, a title free of all encumbrances. And it is largely because of this fact that no less than 464 estates, ancient as well as proprietary, paying a peshkash of Rs. 48,22,392 have been acquired by this method between 1808 and 1850. A title free of all encumbrances has been made possible by the sale law from the very beginning. Under the Permanent Settlement Regulations (XXV, XXVI and XXVII) of 1802, the estate is declared as the security of public revenue and in the early period, the Court of Sadr Adalat having ruled that the public revenue takes precedence over all other demands at revenue sales, purchases at revenue sales have been considered free of encumbrances. In the later period this point has been explicitly made clear in the Revenue Recovery Act II of 1864, Section 42 of which runs as follows: "All lands brought to sale on account of revenue shall be sold free of all encumbrances". This Act is still in force so that, even to-day, the Government can, by purchase at a revenue sale, acquire an absolute title to an estate. But this method of acquisition has one serious drawback. It is a slow and piecemeal process. It is only when an estate falls into arrears that this method can be applied, and even then as per Section 44 of the Revenue Recovery Act the entire estate cannot generally be sold, if the arrear can be realized by the sale of a portion of it. Again, in olden days when prices were comparatively low, when money was scarce and when borrowing facilities were lacking, the zamindars, if they mismanaged their estates, had no means of paying the peshkash regularly and therefore it was that the estates rapidly fell into arrears and made it possible for the Government to apply this method and to acquire, within a short period, a large number of estates. But to-day, when prices are high, when money is plentiful and when borrowing facilities are abundant the zamindars, even if they mismanage their estates, can generally pay the peshkash in time and thus prevent a revenue sale, so that the chances of bringing their estates to sale and of buying in on account of the Government are likely to be few and far-between. Purchase at revenue sales, therefore, though the safest method, is the slowest at the present moment for the acquisition of estates.

As regards the next method, that of purchase at sales held in execution of the civil court decrees, it has been held that under Section 66 of the Civil Procedure Code (Act V of 1908) a purchase so made cannot confer on the purchaser an absolute title, that the title thus conferred is subject to all the existing encumbrances on the estate. The bidder at such a sale must therefore ascertain what encumbrances exist, in order that he may make a sufficient allowance for these while bidding. And this is not at all easy; in most cases it is difficult to make sure that all the encumbrances have been ascertained. The Registration offices can, of course,

disclose all encumbrances on property, but they cannot reveal how much of the original debt has been paid off and what remaining debt, with what interest, has still to be paid off. It is because of this risk of undetected encumbrances that, in spite of the fact that the court sales are more frequent and therefore provide more chances for acquiring estates, purchase at such sales has been discouraged. This method was not and cannot be considered a satisfactory method of acquiring estates, unless it be, in the larger interests of the country, the Government do not mind taking some risks and possibly losing some money thereby.

Nor is the purchase at a Court of Wards sale a safer method of acquiring estates. Under Section 35 of the Court of Wards Act No. I of 1902, the Court of Wards can sell the whole or any portion of the estate for the advantage of the Ward, and there have been some instances in which the Court of Wards has proposed the sale of even entire estates. But all such sales have been considered, just like the sales in execution of the civil court decrees, subject to encumbrances. It was at one time thought that such sales could be made absolute by amending the rules framed under the Act, but it was eventually held that such an amendment would be *ultra vires*. There has been, indeed, a subsequent decision of the High Court, in which that Court has held that a sale made under Section 35 of the Court of Wards Act is free of encumbrances. But both the Court of Wards and the Government have not thought it safe to act upon this decision.[1] This method also, therefore, appears to be an unsafe one to adopt.

It has sometimes been argued that there is a serious practical difficulty in purchasing estates whether at revenue sales or at court sales or at sales conducted by the Court of Wards; and, that is, the impossibility of keeping the Government's maximum bid secret. It is obvious that in each and every case the Collector has to ascertain the value of the estate and the amount up to which the Government may bid for it, and then has to obtain the orders of the Board of Revenue and the Government. It is equally obvious that in doing all this the bid cannot always be kept a close secret and that, once the Government's intended bid is known, there is always the possibility of private persons deliberately raising the bid to that limit. But it may be pointed out that this cannot be considered to be a real difficulty. For, supposing the Government have decided that it is worth while to bid up to a lakh of rupees for a certain estate and the bid is actually raised to that amount, through the artifices of interested persons, even then it is clear that the Government do not lose anything by purchase. The only thing is that they may have, but for such artificial bidding, been in a position to obtain the estate at a lesser amount, say at Rs. 75,000 and then they may have gained Rs. 25,000. But what is thus lost here is this possible gain only and nothing else. This point has been considered as early as 1816 and 1821 and solved

[1] G.O. No. 1925, Revenue, dated 14th August 1919.

by giving a discretionary authority to the Collector in the matter of bidding. If, therefore, artificial bidding is resorted to by a speculative adventurer, the Collector has only to knock the estate down to him. In that case, the adventurer, in nine cases out of ten, may fail to produce the money and, even if he does produce the money and buy in the estate, he is sure to mismanage it and thus to allow it again to be brought up for sale for arrears. And in this second sale the Government may, in all probability, be in a position to purchase the estate at a lower amount than the original valuation.

The next method of acquiring estates, namely, by voluntary surrender, has also been considered unsafe to resort to, as it can also confer no absolute title. It will be remembered that it was precisely for this reason that the Guntur estates which had been surrendered to the Government were handed back to the zamindars and formally brought to sale for arrears and then purchased on account of the Government. This method also may prove to be slow; for it is difficult to imagine that many zamindars would voluntarily surrender their estates.

The only method by which all the estates can be acquired at one and the same time is by legislating for the abolition of the permanent settlement. It has been held on the one hand that, by altering the terms of the permanent settlement, whether by legislation or otherwise, the Government would be violating their solemn promises to the zamindars. It has been urged on the other hand that, notwithstanding the rights conferred on the zamindars, the Government, according to clause 13 of the permanent settlement sanad, can, "for the enlargement of the condition of the people, enact such regulations as experience may suggest, or the progress of human affairs renders necessary". Both these views, however, have been fully considered as long ago as 1826 by the Government of such an enlightened statesman as Sir Thomas Munro and his Government have arrived at the decision that, though the zamindari rights are entitled to the same regard as other rights of private property, they can all be modified by legislation for the "general good". It has, however, been held by the same Government that such legislation ought not to be undertaken except upon very sure grounds of policy, and that, if undertaken, the greatest care should be taken to render the parties substantial justice. No one can perhaps deny the justness of these views. In fact, views somewhat similar to these have been held by the Board of Revenue as recently as 1937, when it observed, in connection with the Partible Estates Abolition Bill, that the permanent settlement can be altered only if there is "a crisis demanding immediate action to avert a social upheaval". It is thus evident that, if the "general good" of the country should require it or if it should be considered necessary "to avert a social upheaval", the Government would be justified in altering the terms of the permanent settlement by legislation.

But the great difficulty would lie in deciding whether at the present moment such a radical legislation ought to be resorted to for the "progress of human affairs" or for the "general good" or for averting a "social upheaval." This question, it should be remarked, has to be viewed from three points of view, social, political and economic. It has been held on the one hand that the ancient zamindars at least should be maintained on the ground that they form a useful link between the Government and the people, that as they advance in education they would not only exercise a beneficial influence on society and lead it "in the path of advancement and reform," but would also politically constitute a bulwark, "a source of considerable strength in the future" to the Government. It has been held on the other hand that the zamindars as a class, whether ancient or not, hardly deserve to be bolstered up, that they have done nothing either to the Government or to the people to justify their continuance, that socially their disappearance would cause no regret among the people and that politically they can threaten no danger to the Government, which would make it expedient to "maintain or conciliate them." But whatever might be the views held on the social and political sides of the question, it has been almost universally recognised that on its economic side it cannot be viewed with composure. The views repeatedly expressed from the very beginning as to their incapacity as landlords and the attempts repeatedly made to acquire their estates at sales or otherwise are but a sad commentary on their mismanagement and oppression of the ryots. The single occasion on which a different view was expressed was in 1937 when the Board of Revenue stated that there was no antagonism between the zamindars and the ryots and that the conditions in the estates did not call for any radical reform. But immediately afterwards it was found by the Estates Land Act Committee that urgent legislation was needed on several matters governing the relations between the zamindars and the ryots. Nor is this all. It has to be remembered that all the attempts made from 1822 down to the present to remedy the evils by legislating within the ambit of the permanent settlement itself have proved unsatisfactory. All these facts will have to be taken into account in arriving at a decision whether or not to legislate at present for abolishing the permanent settlement. All these facts also will have to be placed before the zamindars. It may perhaps be said that, since the zamindars are going to be compensated, it is superfluous to advance any reasons for abolishing the permanent settlement. This argument, indeed, would have been all right, if acquisition by payment of compensation was provided for as one of the conditions of the permanent settlement. But, as a matter of fact, no such condition was stipulated. On the other hand, the Government gave an assurance to the zamindars that, so long as they regularly paid the peshkash, they and their heirs and successors could hold their estates for ever. That being so, the Government would not, in the ordinary course, be justified in acquiring all their estates compulsorily, without being charged with breach of faith, unless

there are some overriding considerations necessitating the policy. And these considerations should, in all fairness, be put before them. Even when small plots of land are acquired by the Government from private individuals, they are told the public purposes for which such lands are acquired. All the more so the zamindars should be told the public purposes served by the compulsory wholesale acquisition of the estates which have been granted to them for ever. Moreover, such a declaration, such a frank avowal of motives underlying the policy, would convince the public that the measure is not only not unjust to the zamindars but is admirably calculated to improve agriculture and agricultural conditions of the large body of ryots in the various estates.

Again, if it is resolved to bring in legislation, it has to be considered whether such legislation is within the competence of the Provincial Government. It will be recollected that, in the early period, although no such legislation was seriously considered, yet several estates were acquired by the Government and that, on all such occasions, the Government never deemed it necessary to obtain the sanction of the Government of India, either for purchasing estates or for converting them into ryotwari. The orders of the Court of Directors dictating this policy would seem to have been regarded sufficient to authorise this Government to consider all aspects of the policy, political, economic as well as financial and to pursue it or not according to the circumstances in each case. In 1892 the purchase of estates having been treated as an investment of Imperial funds, the previous sanction of the Government of India was deemed requisite before effecting any purchases. The position now, however, has completely changed. Whether for purchasing estates and converting them into ryotwari or for introducing legislation for abolishing the zamindari system and converting the estates thus acquired into ryotwari, the previous sanction of the Government of India or, for that matter, even the Secretary of State, does not appear to be necessary at the present moment. Under the provisions of the Government of India Act of 1935 the initiation of such legislation would seem to be within the competence of the Provincial Government. There is only one reservation and that is, that all such legislation should receive the ultimate signification of His Majesty's pleasure.

The object of bringing all the estates into the hands of the Government, whether by purchase, by voluntary surrender or by the abolition of the permanent settlement, being the introduction of the ryotwari system into them, it is well to consider whether there are any obstacles in the way of introducing that system. It has sometimes been held that the Estates Land Act of 1908 having created certain tenancy rights, having, for instance, conferred certain occupancy rights on the ryots, the Government cannot, by merely purchasing the estates, alter the tenancy rights so created. That is to say, by purchasing the estates, the Government would be merely stepping into the shoes of the zamindars and therefore they cannot introduce the ryotwari settlement into

the estates. The same difficulty would arise in case the estates are acquired by voluntary surrender. To overcome this difficulty, however, a remedy has been suggested, namely, that of excluding by fresh legislation the estates purchased from the purview of the Estates Land Act. This device would seem to pave the way for the introduction of the ryotwari settlement into the estates. If, however, the permanent settlement itself is abolished by legislation, it will not be necessary to follow this roundabout procedure. The abolition of the permanent settlement would seem to enable the Government lawfully to introduce the modern system of survey and settlement into all the estates.

The entire scheme, however, is financially bound to involve some immediate loss to the Government, which they may or may not be able to make good in the near future. For, the acquisition of estates by legislation necessarily presupposes not only an adequate compensation to the parties whose rights the Government purchase, but also the cost of survey and settlement and the fixation, obviously, of lower rates of assessment, instead of the existing high rates, on the estate ryots. These are, indeed, the inevitable financial results of the reform. The question is whether these results which are financially discouraging will not be overbalanced by other results which are economically and, perhaps also politically, encouraging, such as a contented peasantry and an extension of agriculture. If it is considered that the latter objects are urgent and important in the larger interests of the country, the financial loss to the Government cannot be regarded as a serious obstacle. Every attempt should, of course, be made to minimise this loss and this subject demands careful consideration.

It has been admitted on all hands that the rents paid by the ryots in the zamindari areas are considerably higher than the assessment paid by the ryots in the ryotwari areas. It will likewise be admitted that, unless these rents are to be eventually reduced to the ryotwari rents, no object will be served by acquiring the estates or abolishing the permanent settlement. It therefore naturally follows that, when the estates come into the possession of the Government, it will not be possible for the Government to realize as much revenue from them as the zamindars are at present realizing. And considering that the compensation to be paid to the zamindars must, to a great extent, be based upon their present rent-roll and not upon the amount which the Government may choose to realize after the estates come into their possession, there is bound to be some loss to the Government more or less equivalent to the difference between the zamindari rent-roll and the Government assessment. But it would appear that it is possible to reduce this loss to some extent by keeping the rates of assessment slightly higher than the present ryotwari rates, for some years to come; say 10 or 15 years, within which period the Government may expect to realize steadily a larger and larger revenue on account of improvement in the condition of the ryots and the consequent extension of cultivation. It cannot be said that this

temporary imposition of a slightly higher assessment is likely to be felt as a hardship, firstly because the ryots in the estates have, on account of the disadvantages incidental to their tenure been generally able to acquire their lands at considerably cheaper rates than the ryots in the ryotwari areas, and secondly because whatever reduction the Government may make in their rents will be a clear gain to them.

The next item of expenditure to the Government, that of the cost of survey and settlement, cannot be avoided in any case, since these operations are essential preliminaries to the introduction of the modern ryotwari system. It may at first sight appear that this expenditure would be less if all the estates are acquired at one and the same time and surveyed and settled simultaneously. But this cannot be done. It is not practicable to acquire all the estates simultaneously. In the first place, the amount of money required for compensating all the zamindars at one and the same time would be too large to be raised by floating loans or to be met out of the surplus revenues of the Province of any single year. It may be urged that the compensation may be spread over a series of years and paid out of the revenues of the estates themselves. But this is really not possible, because the revenues of the estates would not be sufficient to pay even the annual amount due to the zamindars, let alone any part of the capitalized value of the estates. The proper course to follow would seem to be to find out every year how much can be saved as surplus revenue and how much can be borrowed with advantage and then for this sum to purchase as many estates as possible. Secondly, the investigation of the rights of the under-tenure holders, the adoption of suitable methods to eliminate them and the determination of the compensation due to them, all these are likely to take up some time. Thirdly, there are bound to be several estates which are considerably encumbered, some encumbered even beyond their value. It would therefore be necessary to investigate the affairs of each and every estate before it is acquired and this also naturally would demand some time. In this connection, it may be said that the encumbered estates may, by special legislation, be placed under the Court of Wards, until such time as their encumbrances can be cleared, and then purchased on account of the Government. But this procedure would not only take a longer time than a mere investigation, but also it might provide no solution in the case of estates encumbered beyond their value. For, in fact, the Court of Wards have in the past found it impossible to improve such estates. The quickest procedure in these cases would seem to be to call upon the creditors to prove their claims before a tribunal within a limited specified period and to pay them off out of the compensation due to the zamindars. Where, however, the compensation is found to be inadequate to meet the claims of the creditors, the creditors will have to be content with their proportionate shares of compensation. And in such cases, the zamindars having nothing left for them may have to be paid some compensation

ex gratia. Fourthly, the gradual acquisition of estates, a few at a time, would enable the Government to introduce the ryotwari settlement into them the moment they are acquired, without any delay. For this purpose all that would be necessary is to make provision for survey and classification of lands in advance in the estates which the Government propose to purchase within a year or two of such survey and classification. The gradual acquisition so made also would enable the survey and classification to be made systematically and thoroughly by small and efficient parties. The work of these parties is not likely to be interrupted since some estates will, at all events, be purchased every year. It may be remarked here that the survey is likely to reveal a large number of unauthorized alienations and encroachments which can be resumed.

What is necessary to secure and effect all this is to pass an enabling Act by which the Government would be enabled to take some estates from time to time out of the purview of the Permanent Settlement Regulations and Acts and to acquire and convert them into ryotwari. This appears to be the best and most practicable method of abolishing the permanent settlement. But by this method, the acquisition of estates should not be spread over a large number of years. It should be accomplished within the shortest period practicable. For, the sooner it is accomplished, the quicker it would contribute to the welfare of the ryots and the improvement of agriculture.

The last and chief item of expenditure is the amount of compensation to be paid to the zamindars and others and the mode in which it can be paid. In regard to the amount of compensation to be paid to the zamindars, the only concrete proposals that have been made are those made by Mr. Roberts in 1824 and by Sri Natesa Chettiar in 1937. Mr. Roberts calculated, justly enough, that the zamindar was entitled, according to the terms of the permanent settlement, only to 15 per cent of the gross revenue, and that, after deducting five per cent as charges of collection, he might be paid ten per cent of the gross revenue every year. Sri Natesa Chettiar proposed that the zamindar should be paid 20 times the " net income " on the assumption that the zamindar would be able to realize an interest of five per cent on the compensation paid to him. The objections to Mr. Roberts's proposals are : (1) it makes it necessary to treat each estate as a separate entity and to keep accounts of it separately even after acquisition and (2) what is more, it will result in constant complaints from the zamindars that the Government are not realizing as much revenue as they ought to from the ryots and that, therefore, the ten per cent of the collections they receive has considerably reduced their income. And the zamindars will have some ground for their complaints, inasmuch as the Government would naturally collect only the ryotwari rents, whereas they (the zamindars) would have continued to collect the present high rents. The

objection to Sri Natesa Chettiar's proposals are: (1) he did not define "net income" and (2) he assumed a higher rate of interest than what is generally prevalent. As the Board of Revenue pointed out, if the net income is to be treated as the difference between the actual collections of the zamindar and his expenses of collection and peshkash, the amount of compensation to be paid will be considerably less than what it will be if the net income is to be treated as the difference between his theoretical rent-roll and his charges of collection and peshkash. The first mode of calculating the net income cannot be objected to by the zamindars. This net income is actually the income that they derive. Further, it may be pointed out here that their right to collect the rents at the present rates is not altogether beyond doubt, the Estates Land Act Committee having so recently as 1938 found that they are entitled to collect only the rates of rents which prevailed in the year preceding the permanent settlement; and that, if these old rates are made the basis of their collections, their net income is likely to be very much less than what it really is now. On the supposition then that the zamindars should continue to receive the same net income which they actually have been getting, they ought, it would seem, to be paid as compensation an amount equal to this average net income every year or an amount in one lump sum as would enable them to realize, by investing it, an interest equivalent to that net income. If, for instance, the rate of interest is five per cent, they will have to be paid 20 times the net income; if four per cent, 25 times and so on. However, since the rate of interest is liable to fluctuation, there is likely to be some difficulty in fixing a just and equitable rate.

It will be seen that, in calculating compensation as above, only the zamindar's average net income from his melwaram right has been considered and that no allowance has been made for his other rights, such as the rights to forests, waste lands, minerals, etc., rights about which no doubts have been raised. The question of compensation for any of these rights was not raised either by Mr. Roberts or by Sri Natesa Chettiar. Nor was it raised by the Board of Revenue which criticized Sri Natesa Chettiar's Bill in 1937. But, it would appear that compensation for these rights also will have to be paid. It may be supposed that they possess no such rights, that they are entitled to compensation only for the rents received by them from their tenants, that, in other words, they should not be compensated for anything that does not figure in their rent-roll. But this supposition is erroneous. For, the zamindars have been admitted to possess all rights which the Government possessed before the permanent settlement and which were not specifically reserved to themselves by the Government by the terms of that settlement. And in accordance with this view, the zamindars' rights to waste lands, certain kinds of porambokes, forests, minerals and fisheries have always been recognized by the Government. There are records which definitely establish the

position stated above. And, if the Government desire, this position will be elucidated with the help of records. In these circumstances, it does not seem equitable to compensate the zamindars only on the basis of the rents received by them from their tenants.

Another point to be considered in paying compensation to the zamindars is that which has been raised in olden days by Sir Henry Montgomery and Sir Walter Elliot, namely, whether the compensation should be paid entirely in money or partly in money and partly in land. When they recommended that, in order to enable the zamindar to keep up his prestige and position, he might be compensated partly by assignment of rent-free land, they do not appear to have taken into account the existence of the zamindar's private lands which he would continue to possess even after the acquisition of the estates by the Government. In fact, the distinction between ryoti lands in which the zamindar has only melwaram right and private (pannai, seri, etc.) lands in which he has both the melwaram and the kudiwaram rights was not so well known or recognized in those days as at present. As has been stated above, the compensation referred to in the previous paragraphs is only for the zamindar's melwaram and not for his kudiwaram right and therefore the payment of this compensation cannot affect his kudiwaram right in his private lands. So far as these private lands are concerned, he will obviously remain as a ryot paying revenue every year to the Government just like any other big ryot in the ryotwari areas. And so long as he remains in this position, there is no need to assign him fresh lands to keep up his dignity. If necessary, he may, if he is an ancient zamindar, be also permitted to retain his honorary title just as, for instance, the descendant of the Nawab of Arcot has been allowed to style himself as the "Prince of Arcot" and the descendants of the old chieftains of Malabar are, several of them, still allowed to retain the title of "Zamorin, Raja," etc. It thus follows that the compensation should be paid entirely in money.

The only question which remains to be considered is whether the entire compensation is to be paid to the zamindars or whether any portion of it ought to be paid to those who have already a claim on the estate, like the mortgagees and certain under-tenure holders. It will be obvious from a perusal of the preceding pages that several of the estates are likely to be encumbered, and some, even heavily encumbered. It is equally obvious that by mere legislation for abolishing the permanent settlement, their claims cannot be set at nought. Such a legislation therefore will have to make provision for settling these claims. The claims can perhaps be best settled by notifying generally that all parties who have claims on the estates should place them by a specified date before a tribunal, or tribunals, appointed specially for the purpose. The sums thus adjudged to be paid to the creditors will have to be then deducted from the amount of compensation fixed for each estate and the balance handed over to the zamindars. This procedure

becomes possible only when legislation is resorted to for abolishing the permanent settlement and not when individual estates are purchased at civil court sales, Court of Wards sales or by voluntary surrender, because in none of these cases will the Government, it would seem, be justified in calling upon all creditors to submit their claims before a tribunal. There remain then only the claims of under-tenure holders and these will be dealt with separately.

To summarise, the acquisition of estates and their conversion into ryotwari was but the inevitable outcome of the defects inherent in the permanent settlement. These defects have been again and again pointed out from the earliest times down to the present by various distinguished authorities, by the Court of Directors, by Sir Thomas Munro, by Sir Henry Montgomery, by Sir Walter Elliot, by the Marquis of Tweeddale and by the successive Boards of Revenue, Governments and Committees. Briefly put, they consisted of the extravagance and mismanagement of the zamindars and the consequent oppression, poverty and insecurity of the ryots. They were bound to result in the accumulation of arrears and the impoverishment of the estates—circumstances, which, in the early period, it was thought, could be set right effectively only by the acquisition of estates and their conversion into ryotwari. In fact, this policy was laid down in clear and unmistakable terms by the Court of Directors as early as 1814 and systematically followed by the Government for a long time. The result was that by 1850 no less than 51 ancient and 535 proprietary estates were acquired chiefly at revenue sales and into all these, the modern system of survey and settlement was introduced at the time of the original settlement operations.

Indeed, this policy would have been consistently pursued by the Government in the subsequent period also but for certain special reasons; and these are the general rise in prices and the consequent decrease in the number of revenue sales, the impossibility of obtaining an absolute title free of encumbrances at civil court or Court of Wards sales or by voluntary surrender, the desire to maintain intact at least the ancient estates, the refusal of the Government of India to sanction purchases on the ground of possible financial loss and, after the passing of the Estates Land Act of 1908, the doubts raised as to the legality of changing the tenure of the acquired estates into ryotwari. Several proposals for purchases were, however, made in this period also, but only a few estates were acquired before 1900 and none was acquired after 1900.

The great point for consideration at present is whether it is desirable to acquire all the estates and convert them into ryotwari or whether it is advisable to perpetuate the zamindari system. On the one hand it has been held that the ancient zamindars at least should be maintained on the ground that socially they form a useful link between the Government and the people and that politically they constitute a bulwark and a source of considerable

strength to the Government. On the other hand it has been urged that the zamindars as a class, whether ancient or not, have done nothing either to the Government or to the people to justify their continuance, that socially their disappearance would cause no regret among the people, and that politically they can threaten no danger to the State. On the economic side, however, opinion is unanimous that their continuance is detrimental to the welfare of the ryots. Not only is this point made abundantly clear by the repeated pronouncements of various administrators, but it is driven home with no less force by the entire history of unsuccessful tenancy legislation from 1822 down to the present. All these factors will have to be assessed and weighed, and if, after this, it is decided to acquire the estates, the several methods of doing so, with all their implications, will have to be considered.

Purchase at revenue sales, a method extensively adopted in the past, is undoubtedly a safe method, since under Section 42 of the Revenue Recovery Act II of 1864 it confers an absolute title, free of encumbrances, on the purchaser. But it is bound to be a slow and piecemeal process at present; because, owing to the prevailing high prices and the greater facilities for borrowing, the zamindars are not likely to accumulate arrears of peshkash. Purchase at civil court sales is an unsafe method, since under the Civil Procedure Code such sales are not free of encumbrances. Purchase at Court of Wards sales is equally unsafe, for the sales made by the Court of Wards are also subject to encumbrances. Acquisition by voluntary surrender will likewise confer only a title subject to encumbrances. Moreover, on account of the new position created by the Estates Land Act of 1908, it would appear that it is not possible to change the tenure of the estates into ryotwari by adopting any of these methods alone. For effecting such a change of tenure it would, in addition, be necessary to pass special legislation for excluding the estates purchased from the purview of the Act of 1908. All these difficulties can, it would seem, be overcome by abolishing the permanent settlement by legislation. This would make it possible to acquire all the estates at one and the same time, to clear off all encumbrances by a special tribunal or tribunals and to convert the tenure in all the estates into ryotwari.

The question whether the Government can alter the terms of the permanent settlement or whether such an alteration would amount to a breach of faith has been fully considered as long ago as 1826, and it has been clearly laid down by the Government of such an enlightened statesman as Sir Thomas Munro that the Government would be perfectly within their rights in doing so, provided it is done by legislation for the "general good" and provided adequate compensation is paid to the zamindars. And under the provisions of the Government of India Act of 1935 the Provincial Government are competent to introduce and pass a Bill for such legislation. The only reservation is that the Bill cannot become an Act before it receives the assent of His Majesty.

As to compensation, two methods have been suggested in the past; one by Mr. Roberts, the Collector of Masulipatam in 1824 and the other by Sri Natesa Chettiar, M.L.A. in 1937. Mr. Roberts proposed that all the estates might be taken over by paying the zamindars ten per cent of the gross revenue every year, the share which, in his opinion, they were actually expected to derive under the permanent settlement. Sri Natesa Chettiar, in a Bill which he brought forward for the abolition of the partible estates, suggested that the zamindars might be paid 20 times their net income within a period of 25 years. The objections to Mr. Roberts's proposal are that it makes it necessary to treat the estates as separate entities even after acquisition and that it is likely to lead to interminable disputes between the zamindars and the Government over the ten per cent share, inasmuch as this ten per cent would naturally be less under the Government rates of assessment than under the zamindari rates, the rates at which the zamindars themselves would have realised revenue, had they continued to manage the estates. The objections to Sri Natesa Chettiar's proposal are that, in calculating compensation, he assumed a rate of interest of five per cent, a rate which is higher than that at which the zamindars would be able to invest their money, and that he did not make it clear whether the net income was to be calculated with reference to the theoretical rent-roll of the zamindars or their actual gross collections. It would appear to be proper to calculate the net income by taking the zamindars' actual average gross collections and deducting from it the peshkash and average charges of collection. It would also appear to be proper to pay the zamindars this average net income every year or to pay them in a lump sum such an amount as would enable them by investing it to realize at a fair rate of interest this net income every year. It has sometimes been suggested in the past that, in order to enable the zamindars to keep up their dignity, part of the compensation may be given in the shape of rent-free lands. But in view of the fact that even after the acquisition of the estates the zamindars would have to be continued as big ryots with respect to large areas of their private lands in which they possess kudiwaram right, it does not appear to be necessary to assign them any fresh lands to keep up their dignity. It may perhaps be sufficient if they are allowed to retain their honorary titles just as, for instance, the descendants of the Nawab of Arcot and the chieftains of Malabar are allowed to retain the titles of "Prince of Arcot," Zamorin," "Raja," etc.

The compensation mentioned above is only for the melwaram right of the zamindars. In addition to this they would have to be compensated for their other rights, such as, rights to forests, waste lands, minerals, etc. Nor is this all. It has to be considered whether all the compensation has to be paid to the zamindars or whether any part of it has to be paid to the mortgagees and under-tenure holders. The claims of the mortgagees can be adjudged by one or more special tribunals to be appointed under the suggested legislation. The claims of the under-tenure holders will be fully discussed separately.

The whole scheme is, however, bound to involve some immediate financial loss, which it may or may not be possible to make up in the near future. For, while the Government would receive revenue at ryotwari rates, they would have to compensate the parties on the basis of the higher rates of rents prevailing in the estates. Besides this, the Government would also have to incur the expenses of survey and settlement. Perhaps, the loss under the first head can, to some extent, be made up by keeping the rates of assessment slightly higher than the normal ryotwari rates until such time as the Government can expect to realize a larger revenue by the improvement in the condition of the ryots and the extension of cultivation. This will not be a hardship to the ryots, since they have been able to acquire lands in the estates at considerably cheaper rates than those at which their neighbours have purchased lands in the ryotwari areas. The loss under the second head is inevitable, but it can also, to some extent, be made up by the resumption of unauthorized alienations and encroachments at the time of survey operations.

UNDER-TENURES IN ESTATES.

[This is a supplement to the "Acquisition of Estates and their conversion into ryotwari tenure". It was written in 1945. It explains the rights of the holders of post-settlement inams in estates and suggests how these rights can be liquidated.]

The policy of acquisition of estates and their conversion into ryotwari involves the elimination of not only the zamindars but also the intermediaries between the zamindars and the ryots. And in order that this elimination may be done in an equitable manner it is necessary to know who are these intermediaries, what are their rights, to what extent these rights ought to be recognized and compensated and in what manner.

The real and, strictly speaking, the only intermediaries between the zamindars and their ryots are those who are nowadays called under-tenure holders, that is to say, those who hold lands under grants made or tenures created by the zamindars. Until recently they were generally described as post-settlement inamdars, subsequent inamdars, dharmilla inamdars or holders of subsequent grants, terms one and all implying that they are holders of lands granted after the permanent settlement.

The term under-tenure has in Madras a significance somewhat different from what it has in Bengal. Whereas in Bengal it signifies a complicated system of sub-infeudation recognized as legally valid from very early times,[1] in Madras it denotes only the inams granted by the zamindars subsequent to the permanent settlement, inams which at no time have been considered legal or valid against the Government. In Madras, the term, it would appear, was for the first time used only in 1893, since before that year we do not come across it in any of the records, Regulations or Acts. In that year we find that the Select Committee, which considered the Proprietary Estates Village Service Bill, introduced a new clause under the definition of estate as follows: "4 (*e*) Any portion consisting of one or more villages of any of the estates specified above in clauses (*a*), (*b*) and (*c*) which is held on a permanent under-tenure." And for introducing this clause the Committee gave its reason thus: "We add too a clause (*e*) to meet the case of alienations which, though not registered and consequently not recognized by Government, are of a permanent character. We understand there are many cases where such permanent alienations have been made and we think that in such cases the alienee should have the powers of a proprietor and pay the cess."[2] The registration to which the committee referred and its significance will be explained in a subsequent

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1 "Land Systems of British India" by Baden-Powell (1892), Volume I, pages 542 to 546.

2 B.P. No. 1958, dated 18th June 1928 (Letter from the Collector of Trichinopoly).

portion of this note.[1] At this stage it is enough to remember that the term under-tenure as employed by the Committee was applied to alienations made by the zamindars subsequent to the permanent settlement and that where such alienations could not be resumed by the zamindars they were described as "permanent under-tenures." The term permanent under-tenure is used in the same sense in the Estates Land Act of 1908.[2] However, as the term under-tenure came to be used only latterly, that term has been employed only in the latter part of this note. In the earlier period under-tenures were, as has already been said, described variously; but for the sake of uniformity and for avoiding confusion, the term post-settlement inams has been generally employed in the early part of this note.

Although the under-tenure holders are the real intermediaries in the estates, there are also certain classes of other persons in the estates who may be looked upon as intermediaries, such as the Pre-settlement inamdars. As their position is quite different from that of the real under-tenure holders, they will be dealt with separately. Here it is proposed to deal with only the under-tenure holders or post-settlement inamdars.

Under the permanent settlement all the lands comprising an estate were treated as the security for the public revenue fixed upon it and, that being so, the zamindar was naturally prohibited from granting any part of his estate as an inam. Section 12 of Regulation XXV of 1802 expressly laid down that no zamindar could "appropriate any part" of his estate "to religious, charitable or any other purposes" by which it might be "intended to exempt such lands from bearing their portion of the public tax." If the zamindar was desirous of giving away any part of his estate to anyone he could do so provided it was not repugnant to Hindu or Muhammadan Law and provided he got the portion registered and separately assessed by the Collector. (Section 8, Regulation XXV of 1802). But by doing this it is obvious that the portion he gave away would automatically become a separate estate and not remain as an inam. In spite of the prohibition against the granting of inams, however, there is ample evidence to show that the zamindars, one and all, from the very beginning of the permanent settlement, did make extensive grants of lands as inams to their relations, dependants, followers, servants and to religious and charitable institutions. It is these inams that are called post-settlement inams.

These inams being clearly illegal, contrary to Regulation XXV of 1802, the Government have at no time, from 1802 down to the present, considered them valid against themselves. But all the same, the Government have sometimes adopted towards them a liberal policy, and have even given them a permanent status. Any one who reads, therefore, a few records at random is likely to

[1] Pages 126-127 *infra*.
[2] Section 3 (*e*) of the Act.

go wrong in forming any definite conclusion as to the status of the post-settlement inamdars. As, however, it is essential to know what exactly is their present status and how far it has to be recognized and dealt with, if all the permanently-settled estates are to be acquired by the Government, it has been felt necessary to analyse fully the various implications of the policy which has been from time to time adopted towards them (1) in the estates which permanently reverted to the Government, (2) in the estates which were temporarily attached for arrears and (3) in the estates which were placed under the Court of Wards.

In the estates which had permanently reverted to the Government no consideration was shown towards these inams till the appointment of the Inam Commissioner in 1859. Because they were illegal, they were resumed and fully assessed in almost all cases whenever they were detected, and in the few cases in which they were continued rent-free or on reduced rents, they were so continued, mainly because the Government felt that it was expedient to do so on public grounds, for maintaining public peace or for avoiding discontent among inamdars who wielded some power and influence.

To illustrate: In 1821 the Court of Sadar Adalat, the highest of the Company's Courts, in a decree well known in olden days, ruled that a zamindar's alienations, though binding upon himself, were not binding on the Government or any other purchaser of his estate.[1] In 1831 an enquiry was ordered into all the post-settlement inams in the reverted estates of Chingleput, with a view to their resumption.[2] In 1835 in the reverted estate of Palconda all such inams were resumed except Tirustoolu—granted to armed retainers—and these excepted inams were charged a quit-rent equivalent to half the assessment on grounds of public policy.[3] In 1844, when Sir Henry Montgomery brought to light the existence of extensive alienations in the Rajahmundry estates (which were then under attachment but which eventually reverted to the Government), orders were issued to resume all those which were not entered in any accounts and to continue others to the person found in possession of them only for their lives on payment of nine-tenths of the full assessment.[4] In the case of Guntur estates (which finally reverted to the Government) a stricter policy was adopted in 1847: it was ordered that all post-settlement inams found in them should be resumed at once and fully assessed.[5] And finally, in 1857, the Government issued instructions that the policy of

1 Decrees of the Sadar Adalat 1805 to 1826, pages 284 to 288.

2 General Report of the Board of Revenue, dated 3rd February 1831, paragraph 214.

3 Board's Consultations Nos. 24–25, dated 5th October 1835.

4 Board's Consultations, dated 17th June 1844, Volume 1919, paragraph 53 sqq of Montgomery's Report: also Board's Consultations, dated 14th July 1845, Volume 1974, paragraph 37 sqq. of the Board's Proceedings; also Revenue Consultations No. 39, dated 17th April 1846, Volume 634, paragraph 14 of the Minutes of Consultations.

5 Revenue Consultations, dated 7th December 1847. Volume 663, paragraphs 39 to 41 of the Minutes of Consultations.

resumption of all post-settlement inams should be rigidly enforced.[1] And it is needless to say that in all the resumed inams in the reverted estates the ryotwari settlements were introduced just as they were introduced in the other parts of the estates.

It should not, however, be imagined that all post-settlement inams in the reverted estates were resumed and fully assessed in the early period. No thorough investigations were then conducted and therefore there still existed several inams which had escaped the notice of the local authorities. All these were discovered and dealt with only by the Inam Commissioner after 1859–60, and in dealing with these he adopted a policy altogether different from that followed previously. For, instead of resuming them and fully assessing them, he imposed a quit-rent upon them and converted them into freeholds. He even gave the inamdars the right of redeeming them by the payment, in a lump sum, of 20 times the annual quit-rents. And by this policy a number of post-settlement inams in the reverted estates, which had hitherto not been recognized by the Government, came to be recognized and placed on a secure footing.

It is unnecessary for our present purpose to describe the circumstances which led to the appointment of the Inam Commissioner. Suffice it to say that from 1802 onwards, it was considered necessary to make a detailed investigation into all kinds of inams in the province and although attempts were made from time to time to undertake such an enquiry, it was actually started only in 1859 with the appointment of the Inam Commissioner.[2]

The investigations of the Inam Commissioner were not directed so much towards the post-settlement inams as towards the pre-settlement inams, i.e., the inams which had been in existence before the permanent settlement and which had been reserved for future enquiry. But in the course of dealing with the pre-settlement inams he also dealt with the post-settlement inams in the reverted estates which, as has been stated above, had escaped notice till then. He knew fully well that all these post-settlement inams were legally not valid against the Governmrnt, opposed as they were to Section 12 of Regulation XXV of 1802.[3] He knew that the Government would be perfectly within their rights in resuming all of them and that until 1859, they had almost always been so resumed and fully assessed whenever they were brought to light.[4] But he had to adopt towards them a more liberal policy which had just then been discussed and laid down by the Government with the approval of the Home authorities. He therefore dealt with them in the lenient manner in which he dealt with the unauthorized inams granted by the

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1 E.M.C. Revenue No. 614, dated 20th June 1857. Also Collection of Papers relating to the Inam Settlement (1906), page 85.
2 Collection of Papers relating to the Inam Settlement (1906).
3 *Idem*, page 74, Rule XVII.
4 *Idem*, page 85.

officers of the Government.[1] It is not clear from the rules framed by him or from his correspondence how he dealt with the inams irregularly granted whether by the officers of the Government or by the zamindars to temples, mosques and other religious and charitable institutions. Presumably he dealt with them in the same manner in which he dealt with the inams which were 50 years old, that is, he allowed them to continue on the existing terms of the grants so long as the services were efficiently performed.[2] It is, however, quite clear from his rules as well as from his correspondence how he dealt with the post-settlement inams granted to individuals for subsistence. If the inam was founded on fraud, he charged it with full assessment but, if the holder was not a party to the fraud, he showed indulgence by continuing the inam in perpetuity as freehold charged with a quit-rent not exceeding two-thirds of its assessment. If the inam was not founded on fraud and from length of possession appeared entitled to consideration he charged it with a quit-rent of half the assessment and confirmed it to the holder in perpetuity as freehold.[3] If, however, the inam was definitely more than 30 years old and there was a probability of its being 50 years old, he charged it with a quit-rent equal only to one-fourth the assessment and confirmed it to the holder in perpetuity as a freehold, but he did not extend this special benefit to those inamdars who had no heirs. In their case, since the inams were likely to revert to the Government within a short time, he thought that they ought to pay a higher quit-rent of half assessment for converting their inams into freeholds.[4]

It should be remembered that the Inam Commissioner extended his enquiry into the post-settlement inams only in the estates which had permanently reverted to the Government. That was because the reversionary right in these inams was vested in the Government. He did not deal with the post-settlement inams in the estates which were still in the hands of the zamindars for the reason that the reversionary right in them was not in the Government but in the zamindars. These inams formed part of the zamindar's lands upon which his peshkash had been based and therefore the reversionary right in them was naturally in the zamindars.

The operations of the Inam Commissioner were chiefly carried on between 1860 and 1869. The post-settlement inams in the estates which had reverted before 1869 must therefore have been dealt with in the manner indicated above. We have no direct evidence to show how the post-settlement inams in the estates which reverted to the Government after 1869 were dealt with. But, as has been shown in the section dealing with acquisition of estates, only very few estates reverted to the Government in the

1 Collection of papers relating to the Inam Settlement (1906), pages 74, 73 and 70, Rules XVII, XVI and V.
2 *Idem*, pages 69 to 70.
3 *Idem*, page 73, Rule XVI.
4 *Idem*, page 124.

second half of the last century and none in this century.[1] However that may be,, since the inam rules framed by the Inam Commissioner were embodied in the Board's Standing Orders, the inams in the few estates which reverted after 1869 must also have been dealt with in the manner laid down by the Inam Commissoner, which has already been described.

While in the reverted estates a strict policy of resumption of post-settlement inams was generally followed only till 1859 and thereafter a liberal policy was pursued by which the inams were recognised and settled, in the estates under attachment the post-settlement inamdars were throughout shown no consideration. Their inams were treated just what they actually were, namely, illegal alienations contrary to Regulation XXV of 1802, Section 12, and invariably resumed and fully assessed, except when it was considered inexpedient on public grounds to resume them. Thus, a large number of inams granted by the zamindars of Nidadavole estate to their servants, dependants and relations were discovered and resumed in 1832 when that estate was under attachment.[2] In 1835 a very large number of such inams were brought to light in the Vizianagaram estate under attachment, but here instead of resuming and fully assessing them, they were subjected only to nominal quit-rents for the reason that their resumption would have created great discontent and risings.[3] About the same time, in the estates known as the Mulrazu estates of Guntur, post-settlement inams which involved a loss of Rs. 20,000 every year were discovered, and the Board of Revenue ordered that they should all be "resumed without reserve."[4]

The same policy was followed in the latter period also. And in this period there was justification for resumption not only under Section 12 of Regulation XXV of 1802 but also under Section 32 or Act II of 1864 which declared "all leases of land at a rate lower than the usual rates of assessment and not made *bona fide* for the purposes of erecting factories or buildings or for bringing waste land into cultivation . . . . shall be null and void againt the Collector," when the estates are under attachment. The position is made clear by the following: In 1870 when Pachipenta estate was attached it was discovered that lands assessed at Rs. 11,195 had been alienated by the zamindars, after the permanent settlement, for an annual assessment of Rs. 924.[5] The Collector doubted whether he could fully assess the lands under Section 32 of Act II of 1864,[6] but both the Board of Revenue and the Government emphatically asserted their rights to resume and

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1 Pages 73–75 and 85 of the note on the "Acquisition of Estates."

2 Selections from the Records of the late Masulipatam Zilla—Stonehouse's Report, dated 28th March 1832, page 1 sqq.

3 Board's Consultations Nos. 29–30, dated 14th September 1835.

4 General Report of the Board of Revenue, dated 25th March 1836, paragraph 234.

5 G.O. No. 476, Revenue, dated 18th March 1871 (Collector's report, dated 14th June 1870, paragraph 4).

6 *Idem*, Collector's report, paragraph 5.

fully assess the lands. The Board said: "A resumption or full assessment of the inams can be legally carried out and successfully defended in the Courts of Law. . . . .
Section 32, Act II of 1864, gives a Collector power during the attachment of an estate to cancel leases of land at a rate lower than the usual rates of assessment and if the position of the Collector in this case is contested or if the owners of the inams reclaim their estates when the attachment ceases, a good defence is afforded by Sections 8 and 12 of Regulation XXV of 1802 which, it was ruled by the High Court in Regular Appeal No. 23 of 1865, made unauthorized alienations absolutely null and void."[1] And the Government observed that under Regulation XXV of 1802 "unauthorized alienations on an inadequate quit-rent are not good as against Government", and that "they are perfectly at liberty to bring up to their proper assessment all land in the Pachipenta zamindari now under attachment, which had either fraudulently or recklessly been rented below that standard, in the direct exercise of the powers conferred by Section 32, Madras Act II of 1864." Such a measure, they went on to say, "is a legitimate and proper application of the powers conferred and limitations prescribed by the law"[2]. Upon this the Collector declared all alienations in the Pachipenta estate as null and void under Section 32 of Act II of 1864 and resumed and fully assessed them.[3]

This view that the Government were at perfect liberty to resume all post-settlement inams was placed beyond doubt in 1871 by Mr. J. D. Mayne, who was then the Advocate-General. He opined: "It is, however, quite clear that if these inams have been created since the permanent settlement so as to diminish the assets of the zamindari they are not binding on the Goverment and the Collector, when he enters as attaching creditor, may claim full assessment so long as he is in possession . . . .
No act of the zamindar in alienating his assets by lease or otherwise can, in any degree, diminish the security for the public revenue. Until there is a valid apportionment of kist the whole and every part of the zamindari is pledged as a security for the public demand. That demand takes precedence of all other encumbrances and in the event of either attachment or sale, the Collector in the former case and the purchaser in the latter case are in no way bound by any alienation or diminution of the assets of the zamindari."[4] The same opinion, in exactly the same words, was expressed in 1893 by Sri S. Subramania Ayyar, when he was Advocate-General.[5] This explicit exposition of the law as was made by Mr. J. D. Mayne and Sri S. Subramania

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1 G.O. No. 476, Revenue, dated 18th March 1871 (Board's Proceedings, dated 9th November 1870, paragraph 6).

2 *Idem*, paragraphs 5 and 10 of the Government Order.

3 G.O. No. 2136, Revenue, dated 20th December 1871.

4 Paragraphs 13 and 14 of Mr. Mayne's opinion in Court of Wards Proceedings No. 2104, dated 22nd May 1871.

5 Paragraph XII of the opinion in G.O. No. 975, Revenue, dated 11th November 1893.

Ayyar does not appear to have been subsequently revised or altered. There is nothing in the records to show that their opinion has been called in question. And since the statutes upon which they based their opinion, namely, Regulation XXV of 1802 and Act II of 1864 are still in force, it may be safely presumed that the legal position at present is the same as it was stated in 1871 and 1893.

While in the estates which were under attachment for arrears the Government could lawfully resume all post-settlement inams, in the estates which were under their management in the capacity of the Court of Wards they could resume only such of these inams as could be legally resumed by the ward, if he were not incapacitated. The Court of Wards therefore had at every time to ascertain whether any of the post-settlement inams could be resumed by the ward or whether they ought to be treated as absolute inams, before it could order resumption. In the early period it was not difficult to ascertain this right of resumption, but in the later period it was not easy to do so, as the position was complicated by the passing of the Limitation Act, by the decrees of the Privy Council and by the passing of the Impartible Estates Act. It is, however, necessary to study this position, to ascertain clearly what inams can be resumed by the zamindars and what cannot be resumed by them, inasmuch as the Government when they acquire the estates—except at revenue sales—can resume only such of the inams as can be legally resumed by the zamindars. Inams which cannot be resumed by the zamindars and which therefore have become absolute will have to be treated as absolute inams by the Government also. And in the case of these inams, proper remedies will have to be found to eliminate them. It is these considerations that demand a detailed exposition of the law relating to the resumption of the post-settlement inams, and such an exposition is given below.

In the early period, up to the passing of the Limitation Act No. XIV of 1859, the law as laid down by a well-known decision of the Court of Sadr Adalat in 1821, that an alienation made by a zamindar is voidable on the termination of his interest in the estate, that it is binding only upon himself and not upon his successor,[1] was uniformly followed by the Court of Wards. Thus, whenever the estates came under the Court of Wards, the alienations made subsequent to the permanent settlement were generally resumed and only those, the resumption of which was considered inexpedient on public grounds or from the point of view of maintaining public peace, were continued. It was upon these principles that the post-settlement inams, except those granted to armed retainers like the Tirustoolu, the Doras and the Bissoyees, were resumed by the Court of Wards in the Palconda estate in 1829,[2] and in the Charamahal Estate in 1832.[3]

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1 Decrees of the Sadr Adalat, 1805–1826, pages 284–88.

2 Board's Consultations Nos. 22–23, dated 26th November 1829.

3 General Report of the Board of Revenue, dated 12th January 1832, paragraphs 81 and 82.

After the passing of the Limitation Act XIV of 1859, the Court of Wards found that it could order resumption only subject to the provisions of that Act. While, therefore, issuing instructions to the Collectors for the resumption of post-settlement inams, it pointed out that such of them as had become time-barred by the operation of the law of limitation should not be resumed. As the circular is of interest in many ways it may be quoted. It ran as follows: "The Court of Wards deem it desirable to call the attention of all Collectors to the necessity of careful enquiry with regard to inams granted subsequent to the permanent settlement which may exist in estates which are taken charge of under Regulation V of 1804. Such inams are generally resumable and as trustees the Court are bound to uphold the rights and interests of their wards in this as in all other respects. Unless any of the inams have been granted for services which it is expedient to retain or unless some special reason for postponing the resumption should exist—as for instance the fact that the grantee is entitled to consideration as a member of the proprietor's family *or that the resumption is barred by law*—they should be resumed at once. If the occupant refuses to surrender his inam right he must, however, be dispossessed by a regular suit. Even in cases, if there be any, where the inams are continued, an addition should be made to the quit-rent so as to preserve the proprietor's title and a patta should be issued showing that the grant is made by favour and not of right and may be set aside when the Ward attains his majority. When estates are taken charge of by the Court, the Collectors will at once institute enquiries as to the subsequent inams therein and report in due course on the way in which they should be dealt with."

These instructions were embodied in the Board's Standing Orders and later in the Court of Wards Manual. They have been, to the extent that the law relating to the resumption in the estates has grown, amplified and explained in the latest edition of the Court of Wards Manual. All this clearly shows that the Court of Wards resumed as many post-settlement inams as possible subject, however, to the law governing resumption. This is also corroborated by a number of reports of the Collectors to the Court of Wards. It is unnecessary for our purpose to recount individual cases of resumption, but it is necessary to describe and analyse what this law relating to resumption was from time to time, and what it is to-day.

The law relating to resumption, or more correctly put, the right to resume the post-settlement inams in the partible estates, has been from the very beginning simple and clear. Alienations in partible estates being subject to the same incidents as those relating to ordinary co-parcenary property belonging to an undivided family, the zamindar has a right to alienate only his own aliquot share of the estate and if he alienates anything more, his sons and co-parceners can question such alienation the moment

he makes it and they lose the right to resume only after a period of twelve years from the date of the alienation.[1] But the law relating to resumption of the post-settlement inams in the impartible estates is rather complicated. It is governed by the Hindu Law as interpreted from time to time by the Courts, by the Impartible Estates Act, as well as by the law of limitation. In the following paragraphs an attempt has been made to explain it as it existed from time to time down to the present.

For nearly ten years after the passing of the Limitation Act no discussions regarding the extent of its applicability arose. Then, in 1870, when the estate of Salur was under the Court of Wards, the question arose whether a village named Karasavalasa granted by the minor's great grandfather could be resumed by the Court of Wards on behalf of the minor. The Court of Wards thought that the village could be resumed in accordance with the latest judicial decisions which laid down that all unregistered alienations were invalid even "against his successors."[2] But, Mr. J. W. Handley, the Government Pleader, to whom the matter was referred, held that the minor's grandfather having failed to exercise his right of resumption within 12 years of his succeeding to the estate, both the father of the minor and the minor himself had lost the right of resumption under the Limitation Act of 1859. He observed: "The only exception in that Act in favour of minors is contained in Section 11 which only applies when, at the time when the cause of action first accrues, the person to whom it accrues is a minor. Moreover, that section expressly provides that, if a cause of action once accrues to a person not under disability, no time shall be allowed on account of the disability of any person claiming through him. Now, in the present case, the alienation sought to be set aside was made by the late zamindar's grandfather so that whether we take the view expressed by the Chief Justice in Regular Appeal No. 23 of 1865 that alienation not complying with the requisitions of Regulation XXV of 1802 is not binding on the alienor himself, or that expressed in the former Sadr Court decisions that it is binding on the alienor but not on his heirs, a cause of action has once accrued to a person not under disability; in the former case to the late zamindar's great grandfather,[3] in the latter to his immediate successor. Consequently the Limitation Act has begun to run in favour of the alienee and cannot be stopped by the disability of those claiming through the person to whom the cause of action originally accrued." Mr. Handley also pointed out that, as the Collector was acting here only as the agent of the Court of Wards, he had no greater rights or powers than those which the zamindar himself could exercise, if he were of age.[4] The Government, however, had some doubt in regard to this exposition of the

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[1] Court of Wards Manual, paragraph 114 and paragraph 4 of Mayne's opinion in Court of Wards Proceedings No. 2104, dated 22nd May 1871.

[2] B.P. No. 5612, dated 6th September 1870.

[3] This is evidently a mistake for grandfather.

[4] G.O. No. 952, Revenue, dated 30th May 1871.

law. They, therefore, asked the Honourable Mr. J. D. Mayne, the Advocate-General, to give his opinion upon it, after discussing the question with Mr. Handley.[1]

Mr. Mayne thereupon submitted his opinion on the nature and implications of the entire law relating to alienations in the impartible estates in the light of the latest judicial decisions and the Limitation Acts XIV of 1859 and IX of 1871. He said: "It is constantly asserted that the zamindar has only a life estate and that Holloway J. lays it down (2 H.C. 128) that the zamindar has really an estate analogous to an estate tail as it stood originally upon the statute *De Donis*. He is the owner but he can neither encumber nor alienate beyond the period of his own life." This view, he remarked, was not quite correct, because according to it the zamindar would have to be treated exactly as any other Hindu father with male heirs, a position which was not true. For, while in the case of an ordinary Hindu estate the father and sons were actual joint owners in possession and each could alienate his own undivided interest in perpetuity, in the case of an impartible estate, neither the land nor the annually accruing income was divisible and the joint interest of the heir did not vest in enjoyment till the death of the holder. The consequence of this, he pointed out, was that a father had a complete estate for life and the next heir had a complete estate after his death, a position which was exactly the same as that of a widow with a daughter's son. She could alienate for her life but no act of hers, unless under circumstances of necesssity, could affect the interests of her successor. That being so, if the zamindar had no son, he could dispose of the whole or any part of his estate as he liked, but if he had a son, he could not affect that son's right to receive the estate intact at his father's death. He proceeded to explain that, even if the alienation were to be registered, according to the Full Bench decision in 3 H. C. 5, it was invalid even against the alienor himself. Upon this point, however, he thought that the Full Bench decision was not conclusive and that the older decisions of the Sadr Court and the separate judgment of Holloway J. to the effect that the alienation was binding upon the alienor, was the sounder view.[2]

About the effect of the statute of limitations upon the alienations Mr. Mayne remarked that Section I, Clause 14 of Act XIV of 1859 prescribed a period of 12 years for the resumption of alienations but that the date from which that period would commence depended upon the view taken whether the alienation was binding upon the alienor or not. If binding, the period would commence from the date of the grant; if not binding, it would commence only from the death of the alienor. He explained the position thus: "Under Act XIV of 1859, Section I, Clause 14, the

[1] G.O. No. 952, Revenue, dated 30th May 1871.

[2] Court's Proceedings No. 2104, dated 22nd May 1871, paragraphs 4 to 5 of the opinion.

limitation is 'to suits by the proprietor of any land or by any person claiming under him for the resumption or assessment of any lakhiraj or rent-free land, the period of twelve years from the time when the title of the person claiming the right to resume and assess such lands or of some person under whom he claims first accrued.' Apply this rule to the above cases. If the alienation were duly registered it would certainly be valid as against the grantor. During his life it would be no injury to the heir who would, for the first time, be affected by it at the death of the grantor. The cause of action would, therefore, first arise at the death and the statute would run from that date. Again, supposing the grant to be unregistered, then if the old cases and Mr. J. Holloway are right, no right to resume would accrue to the grantor and the statute would run as before from the death. But, if the opinion of the majority is right, then the grantor could at once resume and therefore the statute would run from the date of the grant (3 H.C. 67). It certainly does seem an anomaly that this should be so. The heir could certainly not sue for possession of the property during the life of his father, nor could he sue to undo the act on his father's death. He might, of course, sue for a declaration that the grant was invalid as against his own rights, but the failure to bring a declaratory suit does not, in general, bar a reversioner (4 Beng. L.R.F.B. 3). On the other hand, the words of the statute are express and it has been held by a Full Bench in Bengal that, when the Statute of Limitation has run against a widow, it will also bar a reversioner (9 Weekly Rep. 505) which is exactly a parallel case. On the whole, therefore, assuming the decision in 3 H.C. 5 to be right I think that 3 H.C. 67 is also right. The operation of Act IX of 1871 would be exactly the same as that of Act XIV of 1859 (Section 2 Schedule, Section 180)."[1]

And he continued: "Supposing the statute to have once run against the grantor and his successor I take it to be clear that no fresh right of action could accrue to the heir next in possession. The point has been expressly ruled by the High Court (3 H.C. 153) and their decision has been recently affirmed by the Privy Council (5 Madras Jur. 389). On principle, it seems plain that such last named successor would have no right in respect of which he could sue. He could only claim what descended to him from the grantor and his heir but the grantor has lost his right by his grant and the heir by the statute. Any doubt there might ever have been upon this point seems to be removed by Act II of 1871, Section 29, which declares in opposition to the ruling in 1 H.C. 85 that 'after the determination of the period hereby limited to any person for instituting suit for possession of any land, his right to such land shall be extinguished'."[2]

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[1] Court's Proceedings No. 2104, dated 22nd May 1871, paragraph 6 of the opinion.

[2] *Idem*, paragraph 7 of the opinion.

Applying the law as explained above to the inam village in the Salur estate Mr. Mayne agreed with Mr. Handley that the minor had no right of resumption because his father himself had lost it and that what the minor could not do, the Collector also could not do.[1]

Such was Mr. Mayne's opinion in regard to the post-settlement inams (in the impartible estates) which were rent-free. As to inams granted on favourable terms he looked upon them as leases or arrangements "whereby the property and the reversionary right thereto is recognized as remaining in the zamindar but the possession either permanently or temporarily is vested in another for some recurring consideration." And these he divided into (*a*) service tenures; (*b*) leases at full assessment; (*c*) leases at a favourable assessment and (*d*) possession at a favourable assessment on mere sufferance but without any express contract. As to (*a*) he stated that lands held on pure amaram tenure, that is, for the performance of the services to the zamindar himself were resumable at pleasure as soon as he chose to dispense with the services. But where the services were such as the zamindar was bound to continue and provide for, the public or the Government having an interest in them, and where an estate was granted burdened with a certain office, the grant could not be resumed unless it was expressly stipulated in the grant. As to (*b*) he stated that the leases at full assessment would be binding on the zamindar and his successors. As to (*c*) he stated that leases at a favourable rent would be binding on the grantor but not upon the successor unless they had been granted for reclaiming waste, etc. And as to (*d*) he stated that where the case was merely that the tenant had been allowed to hold possession for any period however long, on payment of no rent or of a favourable rent, there is nothing to prevent the zamindar or his heirs from assessing to the full amount whenever they chose. And about the effect of the statute of limitation on the leases, he observed as follows: In regard to service tenures (*a*), the statute would not begin till the services were discontinued, or perhaps, not till the grantor or his heir notified his resumption of the grant. In regard to leases at favourable rates (*c*), the grant would be good for the life of the grantor and the statute would begin to run at his death, and if the statute once ran against the heir, no new right of action could arise in favour of the successor to that heir. And, in regard to possession at favourable rate on mere sufferance (*d*), the statute would never begin to run until the full rent was demanded and refused, for till then the possession of the tenant was as tenant at will and there was no hostile right set up.[2]

Mr. Mayne's opinion (1871) held the field for more than 20 years. It was incorporated in the Board's Standing Orders and it was scrupulously followed by the Court of Wards in deciding

1 Court's Proceedings No. 2104, dated 22nd May 1871, paragraph 8 of the opinion.
2 *Idem*, paragraphs 9 and 10 of the opinion.

which of the post-settlement inams in the estates under its management were resumable and which ought to be considered as absolute alienations—alienations in which the ward has lost the right of resumption for ever. In 1893, however, the Court of Wards felt that it required revision in the light of subsequent judicial decisions and accordingly referred it for revision to the then Advocate-General, Sri S. Subramania Ayyar.[1]

In his opinion (1893) Sri S. Subramania Ayyar stated that the law had been complicated not a little by the latest decisions of the Privy Council. It will be remembered that Mr. Mayne held that an impartible estate could not be considered to be a joint family estate. Sri S. Subramania Ayyar observed that the Privy Council had lately ruled otherwise. He said : " Though neither the corpus nor the annually accruing income is divisible among the members of the family, yet neither circumstance prevents such property being treated as the joint-property." Nor was this all. In regard to the question as to who were the joint owners the decision of the Privy Council in an Allahabad case, he said, had altered the law. While previously not only unseparated brothers and other male collaterals of the zamindar but also his own sons were held to be jointly interested in the zamindari, the Privy Council had lately ruled that sons were not joint owners with their fathers and that consequently they could not question their father's disposition of such property. This view, he stated, had been accepted and applied to the impartible estates by the Madras High Court, so that, it was to be taken as settled that sons succeeding to impartible estates were in the same position as sons succeeding to the separate property of their father and that in consequence they were bound by all alienations made by him. According to the same decision of the Privy Council, he remarked that the only persons who could be considered as joint owners with the zamindar were the unseparated brothers or other collaterals. He explained: " And the argument of the Judicial Committee seems to be this: when a zamindar dies without male issue but leaving an unseparated brother or other collateral kinsman, the latter does not take the zamindari as an heir succeeding to the separate property of the deceased. For, if the property were treated as separate, the deceased's widow, daughter and daughter's son would exclude the brother or other collateral, but in the case of ancestral zamindaris it is the settled law of the country that the unseparated brother or other collateral excludes the widow, daughter or daughter's son, instead of being excluded by them. Such a succession of the said collateral relations can only be reconciled with succession to joint property by survivorship. This being so, it would, in my opinion, follow that restraint on alienation which is one of the incidents of joint property still exists in favour of such collateral successors (notwithstanding that it has been denied to the sons) and alienations made by a zamindar without legal necessity cannot

[1] G.O. No. 975, Revenue, dated 11th November 1893—*see* abstract of Court of Wards Proceedings, dated 3rd August 1893.

in any way affect the interest of such collateral successors in the property."[1]

About the validity of an alienation whether registered or unregistered, Sri S. Subramania Ayyar pointed out that the Privy Council had removed the doubt which existed in Mr. Mayne's time and had made it clear that it was valid against the grantor.[2] And about the question of limitation, he explained that the position was as follows: "Now as to the question of limitation (whether the alienation is duly registered or not) it would certainly be valid as against the grantor. If his successor be a son or other heir he would be bound by the grant and no question of limitation can arise. But if the successor is a person succeeding by survivorship, then the cause of action to him would first arise at the time the succession opens to him and the statute would run from that date." And he agreed with Mr. Mayne that, if the statute had once run against a successor, no fresh right of action could accrue to such successor's successor.[3] He also agreed with Mr. Mayne as to his opinion regarding service tenures, leases at full assessment or without assessment on mere sufferance but without any express contract. In regard to leases at favourable rent, however, he held that they were binding on the heir but not on successors taking by survivorship unless the lease had been granted for cultivating waste lands, etc., as per Section 11 of Act VIII of 1865. And in regard to the effect of the statute of limitation on leases, he stated that the law applicable to alienations (which he had already described) was equally applicable to the leases.[4]

Sri S. Subramania Ayyar's opinion was followed by the Court of Wards for about 15 years (1893 to 1909). During this period the Court of Wards resumed the post-settlement inams or treated them as absolute in the light of his opinion. Meanwhile, on account of the passing of the Impartible Estates Act of 1904 and some fresh decisions of the High Court and the Privy Council, the legal position having been altered, the Court of Wards referred his opinion to Sri P. S. Sivaswami Ayyar, the Advocate-General, for revision.[5]

Sri P. S. Sivaswami Ayyar pointed out that the Impartible Estates Act had considerably altered the position. This Act had been made applicable to almost all the zamindaris and in these the unfettered power of alienation till then conceded by the judicial decisions to the zamindars had accordingly been greatly curtailed. Section IV of this Act made the zamindar incapable of alienating or binding by his own debts the estate or any part of it beyond his life-time, except under circumstances which would entitle the

1 G.O. No. 975, Revenue, dated 11th November 1893, paragraphs I and IV of the opinion.
2 G.O. No. 975, Revenue, dated 11th November 1893, paragraph V of the opinion.
3 *Idem*, paragraphs VI and VIII of the opinion.
4 *Idem*, paragraphs VIII, IX, X and XI of the opinion.
5 Court's Proceedings No. 23, dated 2nd March 1909.

managing member of a joint Hindu family not being the father or grandfather of the other co-parceners to make an alienation of the joint property or to incur a debt binding on the shares of the other co-parceners independently of their consent. In other words, the zamindar could not make an alienation or incur a debt except for a family purpose. He was at liberty only to grant sites for public, charitable and religious institutions and to grant mining or quarrying leases for terms not exceeding 60 years and leases of the pannai or home-farm lands for terms not exceeding 15 years. And these alone were binding upon his successors. The Act, however, did not affect the alienations which had been made by the zamindar before it came into force. These were therefore governed by the law which was from time to time expounded by the Courts.[1]

In regard to limitation Sri P. S. Sivaswami Ayyar pointed out that, if an alienation made by the proprietor was in excess of his powers as laid down in the Act, limitation would begin to run against his successor only from the date of the alienor's death and that, if a successor once allowed his right to resume become time-barred, his successor would naturally lose his right also.[2]

In regard to alienations in the zamindaris which were not governed by the Impartible Estates Act—and these should be distinguished from the partible estates—and in regard to the alienations in the impartible estates made before the passing of the Impartible Estates Act, Sri P. S. Sivaswami Ayyar held that according to the latest judicial decisions the law was that the incidence of impartibility necessarily negatived the existence of any coparcenary in the estate and that the estate was not inalienable in the absence of a special custom forbidding alienations. Although in cases in which the proprietor died without male issue a brother or other undivided collateral was allowed to succeed in preference to the widow, as if the family were joint family property, the other members of the family would have no right to interdict an alienation by the proprietor. In this respect Sri P. S. Sivaswami Ayyar remarked that there was no distinction between the son or other lineal decendant of the proprietor or a brother or other collateral. He explained: "It is competent to the owner of the estate to alienate the whole or any part of it by sale or exchange, gift or device, mortgage or lease or in any other manner and his successor is not entitled to question the alienation."[3] It will be evident that the law regarding alienations as explained in 1909 by Sri P. S. Sivaswami Ayyar differs considerably from the law as explained in 1893 by Sri S. Subramania Ayyar.

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[1] Court's Proceedings No. 23, dated 2nd March 1909, paragraphs 3 and 1 of the opinion.

[2] *Idem*, paragraph 4 of the opinion.

[3] *Idem*, paragraph 1 of the opinion.

In regard to leases made by the zamindars also, the position in 1909 was different from the position in 1893. In 1909 the position was as follows: Leases at full or at favourable assessment were like other alienations not binding upon successors in estates governed by the Impartible Estates Act. But such leases, like the alienations, were binding on successors in the impartible estates not governed by the Act. As to service tenures in the impartible estates, whether governed by the Impartible Estates Act or not, their resumption depended upon whether the grant was subject to the condition of service or was merely in lieu of wages for services to be rendered. In the latter case, the grant could be resumed by merely dispensing with the service, while, in the former case, the grant could not be resumed merely on the ground that the service was no longer required, but it could be resumed only if the grantee refused to render service.[1]

The law as explained by Sri P. S. Sivaswami Ayyar underwent no change after 1909. The opinion of Sri Alladi Krishnaswami Ayyar (the Advocate-General) as contained in Government Order No. 2725, Revenue, dated 8th November 1940 and incorporated in the latest edition of the Court of Wards Manual is substantially the same as the opinion of Sri P. S. Sivaswami Ayyar.

Having thus explained in detail the law relating to the resumption of the post-settlement inams or under-tenures, as it was applied from time to time down to our own days, we may indicate what exactly are its implications at present. It is clear that the post-settlement inams are of two kinds: (1) those that are entirely free of rent in which no reservation of any kind whatever is made and (2) those in which a reservation of rent or service is made. The former alone are alienations in the legal sense; the latter are for all legal purposes leases not alienations.

Dealing first with the law relating to alienations: In the partible estates alienations are subject to the same incidents as those relating to ordinary co-parcenary property belonging to an undivided Hindu family. That is to say, the zamindar, his sons and co-parceners have all an interest in the estate and each has a right to alienate only his own aliquot share of the estate. This being so, if the zamindar alienates anything more than his share, his sons and co-parceners can immediately question such alienation. In any case, if they want to resume such alienation they must protest against it within 12 years of the date of such alienation, whether the zamindar is alive or not. If they do not do so within this period of limitation, they cannot resume thereafter. In the impartible estates which have been brought under the Impartible Estates Act no zamindar, after the passing of that Act, has a right to alienate any portion of his estate except for what we may call family purposes. It is true that he can also alienate for purposes of paying the peshkash and all such

[1] Court's Proceedings No. 23, dated 2nd March 1909—paragraphs 6 and 7 of the opinion.

alienations are binding on his son or successor. But in every such case it is for the Collector to decide whether such alienations ought to be permitted or whether he could not recover the arrears by his own management. Subject to these exceptions all other alienations made by the zamindar are invalid as against his son or successor and the latter can therefore resume them as soon as he succeeds to the estate or within 12 years of his succession. If, however, he does not resume within this period of 12 years he cannot resume thereafter. And if he thus loses the right of resumption by the operation of the law of limitation, that right is lost to his successors also for ever. This is the position in regard to alienations made after passing of the Impartible Estates Act. But there may be alienations made, in the impartible estates to which the Act is applicable, before the passing of that Act. There may also be a few estates which are impartible in character but to which the Impartible Estates Act has not been made applicable. The law relating to alienations in both these cases is as follows: It proceeds on the assumption that, if an estate is impartible, there cannot be any co-parcenary in it, that is, it is not joint family property and though succession to it is regulated as if it were joint family property, that circumstance alone cannot make it a joint family property. Consequently the law is that the zamindar can alienate part or whole of his estate in any manner he likes and his successor, whether he be his son or a collateral cannot question it. All such alienations are therefore binding upon the successor.

Dealing next with the law relating to leases: In the partible estates the law has not been separately explained, but it would appear that what law is applicable to alienations is equally applicable to the leases. In the impartible estates governed by the Impartible Estates Act, leases at full or favourable assessment like other alienations are not binding upon successors in the impartible estates not governed by the Impartible Estates Act. Resumption of service tenures in the impartible estates, whether governed by the Impartible Estates Act or not, depends upon whether the grant was subject to the condition of service or was merely in lieu of wages for services to be rendered. If it was the latter, the grant can be resumed by merely dispensing with the service; if the former, the grant cannot be resumed merely on the ground that the service is no longer required, but can be resumed only if the grantee refuses to render service.

This exposition of the law will show what are the alienations and what are the leases which can be resumed and what are the alienations and what are the leases which cannot be resumed by the zamindars. Among the alienations those that are irresumable are called absolute alienations or permanent under-tenures. From what has been stated already, it is evident that none of the permanent under-tenures could have been created as such by the zamindars, that they so became solely by the operation of the law

of limitation and the interpretation of the Hindu Law relating to alienations by the Courts from time to time. Now this operation worked in such a way as to create a hardship to the zamindars. For while it placed the alienations permanently beyond the interference and control of the zamindar it did not disown him from the responsibility for the peshkash due upon them. The position was that, while the zamindar could demand nothing from the alienee, he had at the same time to pay to the Government the peshkash appertaining to the alienation. Of course, if the alienation was large enough, if it consisted of one or more villages, he could get it registered and separately assessed according to Regulation XXV of 1802 as amended by Regulation I of 1819. But he had no remedy for the numerous smaller alienations in respect of which he had to go on paying peshkash without obtaining from them the least benefit. This defect was, however, noticed and soon rectified by a new enactment.

In 1871 the Board of Revenue suggested to the Government the expediency of legislating for removing this defect. It pointed out that Regulation I of 1819 did not go far enough in that it failed to provide for the registry and separate assessment of the numerous alienations which were less than one village in extent, and stated that, unless this restriction upon the extent of land was entirely removed, the zamindars would be put to great hardship. The removal of the restriction, it remarked, would benefit the alienees also since otherwise the alienees always ran the risk of their lands being attached and sold for arrears of peshkash due by the zamindar. This risk, it explained, was run not only by the smaller but also by the bigger alienees. For, however large might be the extent of the alienation, as it was, the alienee had no right to ask for separate registry and fixation of peshkash while the zamindar in most cases would not do this himself "through motives of pride, indifference or spite, even to depreciate the value of property once his ancestors' but which he can never regain." The Board, therefore, considered that, when either party could show that the alienation whether large or small had become absolute, the zamindar should be able to get the "proportionate relief from his peshkash and the alienee security against revenue sale for arrears due on the zamindari", and for achieving these objects recommended that Regulation I of 1819 should be repealed to the extent of removing all restrictions on the extent of alienations and sub-division of estates.[1] The result was the passing of Act I of 1876, "An Act to make better provision for the separate assessment of alienated portions of permanently-settled estates." This Act made it incumbent on the Collector to register and separately assess any absolute alienation provided both the alienor and the alienee were willing for the same. In cases in which one of the parties was unwilling, the other could obtain a decree in a civil court, whereupon the Collector was bound to register and separately assess the alienation.

[1] G.O. No. 560, Revenue, dated 6th May 1874—*see* Board's Proceedings in it.

The passing of this Act enabled the zamindars to get rid of their liability to pay peshkash in respect of all absolute alienations in their estates. It was, for instance, under this Act that in 1887 the zamindar of Bobbili took steps to register and separately assess about 1,500 absolute alienations yielding an income of about Rs. 50,000 per year.[1] It was under this Act again that in 1920 the Raja of Pithapuram took steps to register and separately assess the absolute alienations bearing an aggregate peshkash of more than Rs. 9,000.[2] And, what is more, it was under this Act that the Court of Wards again and again in numerous cases asked the Collectors to safeguard the interests of its wards by registering and separately assessing all absolute alienations in the estates under its management.[3] In fact this Act is still in force so that, under its provisions, while the zamindars can get rid of the liability to peshkash on the absolute alienations, the alienees, the permanent under-tenure holders, can obtain security against attachment and sale for arrears of revenue due by the zamindars. No law could have been more clear and none was applied more often and more correctly than this. And yet it is very strange that in more recent times, in 1931, it was almost entirely forgotten and where remembered was greatly misunderstood.[4]

Such is the history and such is the legal position of the under-tenures otherwise known variously as post-settlement inams, subsequent inams, subsequent grants or dharmilla inams. The point is how far all this helps us in eliminating the under-tenures. It is clear that all these under-tenures, whether they be absolute alienations, resumable alienations or leases, are not valid against the Government since they are all contrary to Section 12 of Regulation XXV of 1802.[5] It is equally clear therefore that, if the estates are to be acquired at revenue sales, the rights of none of these under-tenure holders need be recognised. In fact, the rights of none of these under-tenure holders were recognised by the Government when they purchased a large number of estates in the first half of the last century. The Government resumed all the under-tenures in such estates and in the few instances in which they continued them, as for example in the case of grants made to armed retainers in the agency tracts, or recognised them, as for example in the case of inams in reverted estates dealt with by the Inam Commissioner, they continued them or recognised them not as a matter of right but solely as a matter of policy.[6] There is,

[1] G.O. No. 1177, Revenue, dated 20th December 1887.

[2] B.P. Mis. No. 742, dated 24th June 1920; B.P. Mis. No. 1292, dated 20th October 1920.

[3] G.O. No. 876, Revenue, dated 22nd April 1879, paragraph 16: B.P. No. 1601, dated 9th June 1879; also for example, G.O. No. 626, Revenue, dated 7th June 1880; G.O. No. 61, Revenue, dated 6th January 1881; G.O. No. 1045, Revenue, dated 28th September 1882; B.P. No. 2644, dated 3rd August 1892; G.O. No. 202, Revenue, dated 17th January 1896: G.O. No. 1636, Revenue, dated 14th July 1903; G.O. No. 2034, Revenue, dated 28th October 1909.

[4] B.P. No. 3730, dated 4th November 1931.

[5] Page 110 *ante*.

[6] Pages 110–113 *ante*.

therefore, nothing to prevent the Government from resuming outright all the under-tenures, if the estates are acquired at revenue sales. And the question then whether any of them ought to be recognised or compensated would depend purely on considerations of policy or expediency.

But the position becomes entirely different if the estates are to be acquired by any other method, whether it be by voluntary surrender, by purchase at civil court sale, by purchase at Court of Wards sale or by legislation. In the first three cases it is perfectly clear from what has been stated in connexion with the acquisition of the estates that the Government can acquire only the rights which the zamindars now possess and nothing more.[1] And that means, that the Government would be bound to recognize such of the under-tenures as the zamindars are bound to recognize.[2] In the fourth case, namely, that of acquisition by legislation, it may be said that, inasmuch as all post-settlement inams are contrary to Section 12 of Regulation XXV of 1802, the Government can ignore them altogether and consequently they need not make any provision for compensating them. But it must be remembered that this Section 12 can be invoked only when the estates come into the hands of the Government in the course prescribed by the Permanent Settlement Regulations, i.e., for the realization of arrears of revenue by attachment and sale and not on other occasions. It has never been invoked to set aside the alienations made by the zamindars so far as they or their heirs are concerned. Nor has it ever been invoked to set aside the alienations when purchases of estates are made at civil court or Court of Wards sales. If, indeed, this section could have been invoked to set aside all alienations in the estates, there would have been no room for a century and a half of legal decisions explaining the extent to which the alienations are binding on the zamindars or their heirs.

It, therefore, follows that it is not possible to ignore the rights of the under-tenure holders by legislating for the acquisition of estates. And according to section 299 of the Government of India Act of 1935 it is necessary to compensate their rights before the permanent settlement can be abolished by legislation. The question is how to do this. Now the rights which the Government would have to recognize and compensate would be the rights which the zamindars have at present to recognize. What these rights are likely to be in partible as well as impartible estates has already been fully explained.[3] It will be seen therefrom what type of under-tenures can be resumed by the zamindars, what type cannot be resumed by the zamindars but can be resumed only by their heirs, and what type, having become absolute alienations, cannot be resumed either by the zamindars or by their heirs. Taking first the absolute alienations which have become irresumable, there does

1 Pages 95–97, 99 and 100 of the note on the "Acquisition of Estates."

2 Page 114 *ante*.

3 Pages 125–126 *ante*.

not appear to be any difficulty in dealing with them. If the zamindars and the alienees agree, the alienations can, under the provisions of Act I of 1876, all be got registered and assessed as separate permanently-settled estates at any time. If either or both of them disagree—a contingency which is not likely to arise seeing that the zamindars stand to lose nothing by the measure while the alienees stand to gain security against revenue sale—they will have to be compelled to agree to separate registry by fresh legislation. Such a compulsion cannot obviously be regarded as harsh. And the moment the alienations are so registered and made separate estates, they have simply to be dealt with just like the other permanently-settled estates, i.e., the owners of these estates will have to be compensated in the manner suggested for the compensation of the zamindars.[1] It may be stated here that these absolute alienations are already treated as estates for the purposes of the Estates Land Act of 1908.[2] What is suggested is to make them permanently–settled estates in every sense and then to acquire them as such. Taking next the alienations which can be resumed by the zamindars at present, the zamindars can be asked to resume all of them but if, for any reason, such as family considerations or other sentiments, they are unwilling to resume them, a reduction proportionate to the value of alienations can be made in the compensation to be paid to the zamindars and the amount so deducted can be handed over to the alienees and their alienations thus purchased by the Government. Taking then the alienations which are valid against the present zamindars and which can be resumed only by their heirs, it is obvious that the present zamindars have no right to compensation so far as the value of these alienations are concerned. The compensation due for the value of these alienations will, therefore, have to be paid to the alienees themselves and thus their tenures will have to be purchased by the Government.

Taking last the leases, it may be ascertained which of the leases are binding upon the zamindars and which are not binding. Those that are not binding, the zamindars may be asked to resume and if, for any reason, they refuse to do so, the compensation for the value of the leases will have to be paid to the lessees and their rights thus purchased by the Government. In the case of those that are binding on the present zamindars the compensation for the value of the leases will necessarily have to be paid to the lessees and their rights thus purchased.

A few more points require clarification. As has been mentioned already once the permanent under-tenures are converted into separate estates, their holders will have to be treated just like the other zamindars and compensated also just like the zamindars. They will have to be compensated for their melvaram right and for their miscellaneous rights, such as the right to forests, fisheries,

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[1] Pages 102–104 of the note on the "Acquisition of Estates".
[2] Pages 123–124 *ante*.

minerals, etc., by capitalizing their net rental. But in the case of under-tenures which can be resumed by the zamindars or their heirs the tenure-holders cannot be said to possess in their tenures all the rights which the owners of estates or subdivisions of estates possess. The only rights to which they can legally lay claim are the rights which have been expressly conferred upon them by the terms of the agreements granted to them by the zamindars, so that, here the rights to be compensated are only the rights which have been expressly stipulated in those agreements. These rights, it is obvious, will naturally vary with each under-tenure. Unfortunately we have no specific information about these rights. We have no copies of the agreements generally subsisting between the zamindars and the under-tenure holders in our records. We know only the purposes for which they have generally been given; they were usually given for maintenance of religious and charitable institutions and for mere personal considerations. What exactly these rights are, will, at all events, have to be investigated in each and every case by a Tribunal or a Commission specially appointed for the purpose. And once these rights are ascertained, their value will have to be capitalized on the net income they derive, on the principle already suggested and the capitalized value will have to be paid to the tenure-holders or the zamindars as the case may be.

So much about the acquisition of under-tenures. The next step to consider is how to convert them into ryotwari, with whom to make the ryotwari settlement. The safest course would appear to be to make the ryotwari settlement with the persons who at present possess the kudivaram right. Such a measure, however, may be objected to on the ground that it might only result in converting big inamdars into big ryots, in defeating the end in view, namely, that of eliminating the middlemen in the estates. Now this objection can be considered valid only if the presumption that there are numerous big inamdars in the estates possessing kudivaram right is true. We have no definite information on this point. But in all probability their number is not likely to be large. And even if their number is large, it is clear that there is no way of eliminating them except by purchasing their kudivaram right and distributing it among the cultivators. And a moments's reflection will show that such a reform, however desirable, will involve radical changes in the land revenue administration of the whole Province. For, the compulsory acquisition of kudivaram right of big inamdars cannot in justice be confined to the inamdars in the estates alone. It will have to be extended not only to the big inamdars in the ryotwari tracts but also to the big ryots in the ryotwari areas. And all this, involving as it does restraint on individual freedom to acquire lands, may lead to serious discontent.

Therefore it is that it is suggested that the ryotwari settlement will have to be made with the inamders at present possessing the kudivaram right. In any case, it becomes imperative to ascertain

which of the inamdars possess kudivaram right over what portions of their lands. And, for ascertaining this, the following procedure may be adopted.

The permanent under-tenures have already been treated as estates for the purposes of the Estates Land Act of 1908, so that the problem of finding out the kudivaramdars here is not difficult. This Act lays down the criterion for deciding the ownership of the kudivaram right in each case.[1] All that is required therefore is to apply this criterion to find out the kudivaramdars, and to make ryotwari settlement with them and also with all others who possess the kudivaram right. But in the case of under-tenures which can be resumed either by the zamindar or by his heirs the problem is not so easy. Neither the Estates Land Act of 1908 nor any other enactment applies to these under-tenures, so that here there is no means of finding out readily the kudivaramdars. Here the kudivaram right will obviously depend upon (1) whether the under-tenure holder possessed it before the grant of the tenure was made to him by the zamindar, (2) whether it had been expressly conveyed to him by the terms of the grant, and (3) whether he had acquired it subsequent to the grant by purchase or otherwise. These facts will have to be investigated in each and every case by the Commission referred to already. And where, after such an enquiry, it is found that the kudivaram right is vested in the under-tenure holders, the ryotwari settlement will have to be made with them. In all other cases the ryotwari settlement will have to be made with the persons who actually possess the kudivaram right.

It may be objected that such an enquiry into the titles of inamdars by a Commission cannot be considered to be legally valid, that the validity of the kudivaram right can be settled only by a court of law in view of a well-known decision of the Privy Council of 1918, which is still in force, that "there is no presumption in law that the grant of an inam by a native ruler prior to British rule conveys only melvaram (revenue due to the State)"[2], which in effect implies that whosoever sets up a claim to kudivaram right has to prove it in a court of law. But it must be pointed out here that this decision as well as other subsequent decisions to the same effect apply only to pre-settlement inams, i.e., inams granted previous to the permanent settlement and not to post-settlement inams or under-tenures. There can, therefore, be no real objection to the investigation by the Commission into the kudivaram right of the under-tenure holders in the estates.

To summarise, in order to eliminate the intermediaries in the estates and to convert their lands into ryotwari, it is essential to know who are these intermediaries, what are their rights and to what extent these rights ought to be recognized or compensated.

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[1] Section 4 sqq. of the Estates Land Act of 1908.

[2] G.O. No. 494, Revenue, dated 3rd March 1919.

The real and, strictly speaking, the only intermediaries in the estates are the under-tenure holders, i.e., those who hold lands under grants made or tenures created by the zamindars. These grants or tenures, having been made or created after the permanent settlement, are more often described as post-settlement inams, subsequent inams, dharmilla inams or subsequent grants. There is no doubt that all these under-tenures being contrary to Section 12 of Regulation XXV of 1802, are not valid against the Government. They have therefore been resumed by the Government in all estates which were attached for arrears or purchased by them at revenue sales. And in the few instances in which the Government have continued or recognized them to some extent, they have continued or recognized them not as a matter of right but solely as a matter of policy.

But this does not mean that the under-tenures are all totally illegal. They have been held to be valid against the grantor in all cases and valid against his heirs or successors where such validity was enjoined by the Hindu Law, by the law of limitation and by the Impartible Estates Act. It is because they were so valid that even the Government, when acting in the capacity of the Court of Wards, could not and, in fact, did not, resume all of them but resumed only such of them as could, under the laws mentioned above, be resumed by the ward, if he were not incapacitated.

If the Government were to acquire the estates at revenue sales, they need not recognize any of the under-tenures. They can lawfully resume all of them and convert them into ryotwari. But if the Government were to acquire the estates by any of the other methods, by voluntary surrender, by purchase at civil court sales or at Court of Wards sales or by legislation, they would be bound to recognize the under-tenures to the same extent to which the zamindars have to recognize them at present. For, in all these cases they would be simply stepping into the position of the zamindars.

The point then is what is the extent to which the zamindars have to recognize these under-tenures at present. This depends upon the law governing the resumption of alienations and leases in the partible and impartible estates. In the partible estates alienations are subject to the same incidents as those relating to ordinary co-parcenary property belonging to an undivided Hindu family. Whatever alienations, therefore, the zamindars of the partible estates have made out of their own aliquot share are binding upon them. And whatever alienations they have made in excess of their own share are not binding upon their sons and co-parceners. Such alienations can be resumed by the sons and co-parceners within the period of 12 years of the grant. The same law would seem to apply to leases also in the partible estates. In the impartible estates governed by the Impartible Estates Act alienations made by the zamindars after passing of that Act are not binding upon the successors unless they have been made for family purposes.

All such alienations, therefore, can be resumed by the successors within the period of 12 years of succession. But if the successors do not exercise this right of resumption within this period, their own successors cannot exercise it. Alienations made by the zamindars in the impartible estates to which the Impartible Estates Act applies before the passing of that Act and those made in the impartible estates to which that Act does not apply are all binding on the successors. And as to leases, leases at full or favourable assessment are like alienations not binding upon successors in the impartible estates governed by the Impartible Estates Act. But they are binding upon successors in the impartible estates not governed by the Impartible Estates Act. The resumption of the service tenures in the impartible estates, whether governed by the Impartible Estates Act or not, depends upon whether the grant was subject to the condition of service or was merely in lieu of wages for service to be rendered. In the latter case the grant can be resumed by merely dispensing with the service, whereas in the former case it cannot be resumed merely on the ground that the service is no longer required, but can be resumed only if the grantee refuses to render service.

Applying this law it can be ascertained what under-tenures can be resumed by the present zamindars and what cannot be resumed by them. Those that can be resumed, the zamindars can be asked to resume before the estates are acquired by the Government. If, for any reason, such as family considerations, the zamindars are unwilling to resume them, the Government can acquire them by paying due compensation to the under-tenure holders. The compensation thus to be paid will have to be deducted from the compensation to be paid to the zamindars for their estates. The compensation to be paid to the under-tenure holders would depend upon the extent and value of their rights and these rights in turn would depend upon the terms of the grants upon which the under-tenures are held. The method of fixing the amount of compensation suggested for the estates can be adopted for fixing the amount of compensation in the case of under-tenures also. Those under-tenures which cannot be resumed (permanent under-tenures) can be got sub-divided and registered as separate permanently-settled estates under Act I of 1876. This Act, which is still in force, was specially passed to enable the zamindars to get rid of their liability to peshkash in regard to absolute alienations from which they derived no benefit and at the same time to enable the alienees to secure their lands against attachment and sale for arrears due on the estates. If, however, both the zamindars and the under-tenure holders do not agree to separate registry, it is necessary to compel such registry. This compulsion cannot be regarded as harsh inasmuch as the registry is to the advantage of both the parties. After the permanent under-tenures are thus converted into permanently-settled estates, they can be acquired by paying due compensation in the manner suggested for the acquisition of the other permanently-settled estates.

The lands comprising the under-tenures thus acquired can be settled by making ryotwari settlements with those who own the kudiwaram right. It may be found that in some cases the kudiwaram right over large areas is vested in the under-tenure holders themselves. In such cases it may be objected that by making the ryotwari settlement with them the end in view, namely that of eliminating the bigger middlemen, would be defeated. But this cannot be helped. For, any wholesale purchase of kudiwaram right from such under-tenure holders and distribution of it among the cultivators cannot be considered to be fair unless such purchase and distribution is made also in the case of the bigger inamdars and the bigger ryots in the ryotwari areas.

For ascertaining the kudiwaram right in the under-tenures and for determining the value of the under-tenures and the compensation to be paid for them an itinerant Tribunal or Commission can be appointed.

This is all the information about the under-tenures available among the records of the last 140 years which might be useful in considering the scheme for acquisition of estates. All the suggestions that have been made here for the acquisition of the under-tenures and their conversion into ryotwari are in conformity with those that have already been made in dealing with the question of acquisition of estates. And they have been made in such a manner as to involve, as far as possible, no violation of the existing laws governing rights of property.

PRE-SETTLEMENT INAMS IN ESTATES.

[This is a supplement to the "Under-tenures in Estates." It was written in 1946. It explains the rights of the holders of pre-settlement inams in estates and suggests how these rights can be liquidated.]

In this section it is proposed to survey briefly the position occupied by the pre-settlement inams (1) in the estates other than the Western Palayams and (2) in the Western Palayams, i.e., the estates of Venkatagiri, Kalahasti and Karvetnagar. This survey will show which of the pre-settlement inams can, in the ordinary course, be eliminated and which cannot, in pursuing the policy of acquisition of estates and their conversion into ryotwari.

(1) Pre-settlement inams in the estates other than the Western Palayams.

It is well to remember that besides the under-tenures or the post-settlement inams there are what are called the pre-settlement inams in the estates, i.e., the inams which were in existence before the permanent settlement was concluded with the zamindars. But there is practically no difference between these pre-settlement inams of the estates mentioned above and the inams of the ryotwari areas. The reversionary right in both is vested in the Government which means that, if the inams lapse for want of heirs or for any other reason, they lapse to the Government[1]. This is because at the time of the permanent settlement the Government excluded the full value of these inams from the assets of the zamindars—the assets upon which the peshkash was fixed—and specifically reserved to themselves the right to deal with them in whatever manner they deemed proper. The only difference between the pre-settlement inams of the estates and the inams of the ryotwari areas lies in this: in the ryotwari areas such of the inams as are not rent-free, as have to pay a jodi or kattubadi, pay the jodi directly to the Government, whereas in the estates such jodi is payable to the zamindars as it has been treated as part of the assets upon which the peshkash was fixed. But it must be noted that in such cases the zamindars have only the right to collect the jodi unchanged. They have no right to alter the jodi. Nor have they any right to the land since the full value of the land was not included in their assets. They cannot therefore resume the inams or interfere with them in any way. This point has been made perfectly clear by a decision of the Court of Sadr Adalat in 1817[2] and by the position taken up by the Government.

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[1] Of course where personal inams have been enfranchised by the Inam Commissioner, they become free-holds and there is in their case no longer any question of reversionary right. For details see pages 137–138 *infra*.

[2] Decrees of the Sadr Adalat, 1805–1826, pages 179 to 186.

Having understood so much in general about the pre-settlement inams we may next see what the Government have done with them till now. At the time of the permanent settlement the Government did not enquire into the validity of the titles of these inams. They, however, contemplated such an enquiry in the near future and accordingly passed Regulation XXXI of 1802. But actually they made no systematic enquiry upon any definite principles for over half a century. It was only in 1859 that such an enquiry was begun by the Inam Commissioner. Till then these inams were investigated as and when occasions arose and each case was decided according to circumstances upon no fixed principles.[1] It is unnecessary for our purpose to describe these cases but we may note what the Inam Commissioner did.

The Inam Commissioner settled all the pre-settlement inams in which the reversionary right was in the Government. Thus he settled the pre-settlement inams in all these estates. And he settled them, it is worth noting, on the lines exactly similar to the lines on which he settled the inams in the ryotwari areas. These lines are as follows: He recognized all inams which had been held for 50 years irrespective of the fact whether they were based on sanads or not and irrespective of the fact whether they fulfilled the conditions of the sanads or not. For, he considered 50 years enjoyment as a valid title. We are not concerned here with what he did in the case of inams which were less than 50 years old; what he did with such inams, i.e., the post-settlement inams, has already been explained in the second section of the note dealing with the under-tenures. As regards the pre-settlement inams in estates and the inams in ryotwari areas which were more than 50 years old, he first of all classified them as follows:

(1) grants or endowments to religious or charitable institutions and for services therein.

(2) personal or subsistence grants.

(3) grants made by former Governments in remuneration for services in the Revenue or Police departments which were no longer rendered or were required and

(4) village-service inams: (*a*) those enjoyed by the village officers and (*b*) those enjoyed by artisans.

Taking next the inams one by one he dealt with them thus: (1) *Religious and charitable grants.*—He allowed these to continue so long as the services were efficiently performed. On the same condition he allowed to continue the inams granted for repairs of tanks and channels. (2) *Personal or subsistence grants.*—He confirmed these on the existing terms. But where the title was defective or where the title was sound but the inamdars desired to enfranchise the inams, he imposed a quit-rent on the inams varying from one-eighth to half the assessment according as the chances of reversion of the inams to the Government were remote or near. This quit-rent he imposed was as a consideration required by the

[1] Paragraphs 8 to 28 of Mr. Blair's Report, dated 30th October 1869.

Government in return for an extension of rights. It was compulsory in the case of all inams held on defective title, i.e., those held not in the direct line, etc., and optional in other cases. By this device he allowed the inamdars by the payment of quit-rents to convert their lands into free-holds. He also gave them the option of redeeming the quit-rent by a lump sum payment of 20 times the quit-rent. He made it clear that the quit-rent was exclusive of any jodi that might be payable by the inamdars and that where the jodi had to be paid to the zamindars it must be continued to be paid to them unless the inamdars were prepared to redeem it by a lump sum payment of 20 times this jodi to the Government. Obviously enough, in such cases he allowed a proportionate reduction in the peshkash of the zamindars. (3) *Grants by former Governments in remuneration for services in the Revenue and Police departments which were no longer rendered or required.*— These were of two classes: (*a*) those which being no longer required after the introduction of the British rule had since been commuted into personal allowances in land or money and (*b*) those still continued on condition of performing certain services which were either seldom rendered or which could not be made available for any useful purposes. (*a*) He dealt with just like personal subsistence grants and (*b*) he compulsorily enfranchised. (4) *Village service inams.*—He framed certain rules for dealing with these inams but these inams were actually dealt with only after the passing of the Proprietary Estates Village Service Act of 1894 according to the rules framed under that Act. It should be borne in mind that the Inam rules of 1860 and the Proprietary Estates Village Service Act are still in force and that it is in accordance with these that the pre-settlement inams whenever discovered are settled.[1]

One important matter which came into prominence shortly after the Inam Settlement related to the right of the inamdars to the land. The inam title-deeds issued in the beginning were so drawn up that they conveyed an impression as if the land belonged to the inamdars irrespective of the fact whether they possessed the kudiwaram right in it or not. As a consequence of this some of the inamdars began to claim the right in the soil to the injury of the actual kudiwaram-holders. An Act had therefore to be passed declaring that nothing contained in any title-deed issued to any inamdar should be deemed to define, limit, infringe or destory the rights of any description of holders or occupiers of the land from which any inam was derived or drawn.[2] When this Act was passed, the Government held the view that an inam on the face of it carried only the melwaram right and that, if any inamdar set up a claim to the kudiwaram right also, it was for him to establish that right. This view, which practically amounted to saying that the kudiwaram right must be considered to belong to

[1] The Inam Commissioner's (Mr. Taylor's) Report No. 71, dated 6th July 1859 and the Inam Rules appended to it in G.O. No. 1069, Revenue, dated 9th August 1859.

[2] Paragraphs 69 to 71 of Mr. Blair's Report, dated 30th October 1869.

the cultivators unless the contrary was proved, was upheld for a long time. And the validity of this view was recognized by the courts in several cases and was presumed when whole inam villages were included under "estates" in the Estates Land Act of 1908.[1]

But this view was completely upset by the Privy Council in 1918. In that year, in a well-known decision, the Privy Council held that there was no presumption in law that an inam conveyed the melwaram right alone and ruled that whoever claims the kudiwaram right must prove it in a court of law. This decision, as well as some subsequent decisions to more or less the same effect, practically threw on the cultivators the onus of proving that they possess the kudiwaram right in every case.[1] This position still holds good but the hardship to the ryots involved in it in the whole inam villages has been removed by the Government by amending the definition of "estate" in the Estates Land Act. In the Estates Land Act of 1908 under the definition of "estate" was included "any village of which the land revenue has been granted in inam to a person not owning the kudiwaram right thereof provided that the grant has been made, confirmed or recognized by the British Government or any separated part of such village." This has been, by Madras Act VIII of 1934, changed into "any village of which the land revenue without the kudiwaram has been granted in inam to a person not owning the kudiwaram thereof provided that the grant has been made, confirmed or recognised by the British Government."[2] This alteration has virtually amounted to laying down that, if the inamdar of a whole inam village wanted to escape the provisions of the Estates Land Act, he had to prove in a court of law that he possessed the kudiwaram right in that village. The onus of proving the kudiwaram right in the case of whole inam villages has thus again been shifted back from the cultivators to the inamdars and the cultivators have been, for all practical purposes, considered to possess the kudiwaram right. By Madras Act XVIII of 1936, the definition of "estate" was further amended so as to include within its scope any inam village of which the grant had been made, confirmed or recognized by the British Government. The effect of the amendment was to bring all inam villages within the scope of the Madras Estates Land Act. In the case, however, of inam villages which became estates by virtue of the Amendment Act, inamdars were given an opportunity to prove that they possessed the kudiwaram right in lands in such villages by lodging applications as laid down in the new section 185-A inserted by the Amendment Act. In accordance with the provisions of that section, a Special Tribunal was appointed in 1942 for disposing of the applications filed by the inamdars. 8,130 applications were filed by the inamdars and out of them the Tribunal allowed 164.

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[1] Pages 72 to 80 of the printed "Extracts from papers relating to Tenancy Right in Inams", Volume I, especially page 78.

[2] *Idem*, pages 7 to 18 and pages 19 to 130, especially pages 18 and 130.

Such is the nature and status of the pre-settlement inamdars in the estates other than the Western Palayams. As has been already stated they occupy a position almost similar to the position occupied by the inamdars in the ryotwari areas. That being so, it is clear that there cannot be any question of eliminating them while purchasing the estates unless it is the intention of the Government to eliminate the inamdars in the ryotwari areas also. Unlike the under-tenure holders (post-settlement inamdars) they were not eliminated when estates were purchased in large numbers in the first half of the last century. The only alteration that was then made was that such of them as had to pay a kattubadi to the zamindars were, after the acquisition of estates, made to pay it to the Government. And this is all the alteration that will have to be made now also. No separate compensation need be paid to the zamindars so far as these inams are concerned. For, the kattubadi payable by these inams has been included in the assets of the estates—assets which would be fully compensated while acquiring the estates.[1]

(2) PRE-SETTLEMENT INAMS IN THE WESTERN PALAYAMS.

What has been stated in the preceding paragraphs is, however, not applicable to the pre-settlement inams in the Western Palayams, i.e., the estates of Venkatagiri, Kalahasti and Karvetnagar. For here, after more than a century of discussion and litigation, it has been established that the reversionary right in the pre-settlement inams is in the zamindars and not, as in the other estates, in the Government. This means that the pre-settlement inams in these estates occupy a position exactly similar to that of the post-settlement inams, the reversionary right in which is in the zamindars. And from this it follows that the law of resumption which governs the post-settlement inams in all estates governs the resumption of pre-settlement inams also in these estates as well as in such of the estates as might have been formed out of these estates by subdivision. What this law is and what its implications are in so far as the policy of acquisition of estates and their conversion into ryotwari is concerned, have been fully explained in the second section of the note on the under-tenures in estates. The methods suggested therein for dealing with the under-tenures[2] will have to be adopted for dealing with both the pre-settlement and post-settlement inams in the Western Palayams.

The reason why the pre-settlement inams in the Western Palayams came to be distinguished from the pre-settlement inams in the other estates is this: whereas in the other estates the Government at the time of the permanent settlement specially reserved to themselves the right to deal with the pre-settlement inams at a subsequent date and deliberately excluded the value of these

[1] Pages 102 to 105 of the note on the "Acquisition of Estates and their conversion into ryotwari."

[2] Pages 128 to 132 of the note on "Under-tenures in the Estates; their acquisition and conversion into ryotwari."

inams from the assets of the estates upon which the peshkash was fixed, in the case of the Western Palayams no such reservation or exclusion was made by the Government. Indeed in the case of the Western Palayams the Government never took into consideration the existence of the inams or the value of the assets of the estates in fixing the peshkash. The peshkash here was fixed with reference to (1) the tribute which the zamindars were formerly paying to the Nawab of Arcot and (2) the saving in expense which the zamindars were likely to effect by the abolition of their military establishment which they were till then obliged to maintain for the protection of the country, but which protection the Government, thereafter, took upon themselves to provide.[1] The significance of this special method of fixing the peshkash, though understood and recognized from the early times down to about 1893, was unfortunately, in the subsequent period, clouded over by several irrelevant issues with the result that the Government were obliged to embark upon an expensive litigation before they were made to realize their mistake by the Privy Council.

This is what actually happened. In 1818, upon a claim put forward by the Government to resume two pre-settlement inam villages in the Venkatagiri estate, the Provincial Court of the Northern Division ruled as follows: " The permanent tribute or cist was . . . fixed on the zamindari of Venkatagiri without any reference to its assets and accordingly the deed of permanent settlement granted to the zamindar unlike the deeds granted to other zamindars makes no mention of the Government having reserved to itself the right of resuming lakhiraj lands or of the permanent assessment having been fixed exclusively of revenue derivable from such lands . . . In the opinion of the Provincial Court the reservation to Government of the right of resuming lakhiraj lands having been also specially omitted in the permanent cowle granted to the defendant, the plaintiff (Government) has no right whatever to the two villages sued for and the Court accordingly disallow his claim, dismiss his suit, and award that he shall pay all costs."[2] This position was acquiesced in by the Government and accordingly in 1839, when they found that two pre-settlement inams of the Kalahasti estate had been wrongly resumed, they ordered the restoration of the villages to the zamindar on the ground that the reversionary right in such inams was held to be in the zamindars.[3] The same position was explained again in 1848 in the following terms: " It appears to have been sufficiently established that in the Western zamindaris the rights of law paramount over the inams are vested not in the Government but with zamindars."[4] And, again, in 1860 the pre-settlement inams in

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1 Orders of the Special Commission on the Reports of the Western Palayams of North Arcot. (Printed).

2 The Decree of the Provincial Court No. 13 of 1818 in Board's Consultations Nos. 26-27, dated 16th September 1824.

3 Board's Consultations No. 44, dated 4th March 1839. Also Revenue Consultations No. 38, dated 9th April 1839.

4 Board's Consultations Nos. 15-16, dated 7th December 1848.

the Western Palayams were deliberately excluded from the operations of the Inam Commissioner on the ground that the reversionary right in them was not in the Government but in the zamindars.[1]

The validity of this position taken up by the courts and the Government was, however, doubted and assailed in 1893. In that year while introducing the Proprietary Village Service Bill in the Legislative Council, Mr. Garstin, the Member in charge of the Bill, expounded a view which was altogether novel. He argued that, as Regulation XXV of 1802 had been passed prior to the granting of the sanads to the zamindars of the Western Palayams, the reservation of the lakhiraj lands made in that Regulation must be held to be applicable to the Western Palayams also and that the omission of such reservation in the terms of the sanads of these estates ought to be construed merely as an act of oversight. From this he concluded that the reversionary right in the pre-settlement inams in the Western Palayams as in all other estates must be considered to be vested in the Government, and that, therefore, the position hitherto taken up by the courts and the Government was entirely erroneous.[2] This new view gained added strength by the opinion expressed by the then Advocate-General, Sri V. Bhashyam Ayyangar, in 1897.

This opinion, it is interesting to note, was given not with reference to the Western Palayams. It related to a suit regarding the Tarala estate. But it contained several general arguments which could be made applicable to all estates, including the Western Palayams. It ran thus: "The admission by the plaintiff in this case to which the Collector attaches importance, namely, that the kattubadi was included in the assets on the basis of which the peshkash was fixed, is immaterial. There is nothing prescribed in Regulation XXV of 1802 or in any other Regulation as to the principle and basis on which the permanent settlement was to be fixed. In some cases no doubt and probably in the majority of cases the peshkash was fixed at a certain percentage on the estimated gross receipts realizable by the zamindar. But in other cases the peshkash was fixed on other considerations, without any reference to such estimated receipts. What rights the Government reserved to itself and what alone was the subject-matter of the permanent settlement are defined by Section 4 of the Regulation. The facts that certain receipts are included in the estates or excluded therefrom cannot decide what was legally included in the permanent settlement and what was legally excluded therefrom. But it will be relevant in determining whether an alienation in question was made prior or subsequent to the permanent settlement. Probably in several cases in estimating the assets of the estate which was the subject-matter of the permanent settlement,

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1 G.O. No. 1951, Revenue, dated 25th October 1860, paragraph 12 of Mr. Taylor's report, dated 13th August 1860.

2 Proceedings of the Legislative Council, dated 12th December 1893, pages 16 sqq.

receipts from articles of revenue, which by law were reserved to Government and were excluded from the permanent settlement, were erroneously included just as receipts from lands included in the permanent settlement might have been erroneously excluded."[1] These remarks which are of a general nature and which unequivocally implied that Section 4 of Regulation XXV of 1802 was applicable to all permanently-settled estates irrespective of the fact whether their peshkash was fixed with reference to their assets or not were considered by the Government to be applicable to the Western Palayams also.[2]

Having, in this manner, established the point that the reversionary right in the pre-settlement inams in the Western Palayams was in the Government, the Government proceeded to deal with these inams early in this century.[3] As was to be expected, the zamindars stoutly protested against this invasion of their rights—rights which had been respected in the early period, alike by the courts, the Government and the Inam Commissioner. But the Government disregarded their protests. The result was the zamindars of the Venkatagiri and Kalahasti estates sued the Government and the judgment of both the District Court and the High Court having gone against them, the Government pushed the case up to the Privy Council.[4]

The judgment of the Privy Council in the Venkatagiri suit has been considered applicable to the Kalahasti and Karvetnagar estates also, since they both occupy a position similar to that of the Venkatagiri estate. As the judgment is an important one,[5] the grounds upon which it is based are explained somewhat in detail below. After alluding to all the documents which went to show that the Venkatagiri estate was settled on principles different from those governing the permanent settlement of the other estates, the Privy Council remarked: "So far as these documents are concerned they leave no possible doubt that the Government represented by the Governor in Council on the one side fixed a definite specific assessment on the whole zamindari of Venkatagiri irrespective of the particular assets derived from each particular unit of property within the estate and that the zamindar on his side accepted that arrangement on that special understanding. The question is now whether that action of the Government was in view of the provisions of Regulation XXV of 1802 valid or otherwise."[6] The Privy Council observed that the Government had argued that in view of the provisions of Section 4 of that Regulation which excluded the Lakhiraj lands and other lands paying

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1 G.O. No. 2623, Revenue, dated 22nd May 1897, paragraph 2 of the opinion.

2 G.O. No. 219, Revenue, dated 24th February 1904.

3 *Idem*,

4 G.Os. No. 3118, Revenue, dated 20th September 1910; No. 575, Revenue, dated 25th February 1913; No. 743, Revenue, dated 11th March 1913; No. 15, Revenue (Confidential), dated 3rd January 1917; No. 1007, Revenue, dated 1st May 1919; No. 2866, Revenue, dated 11th December 1919.

5 The Judgment in G.O. No. 1922, Revenue, dated 25th August 1921.

6 G.O. No. 1922, Revenue, dated 25th August 1921, page 17.

only favourable quit-rents from the permanent assessment of the land tax, it was not competent for the Government to grant a sanad which made no provision for such exclusion. The Government had also, the Privy Council observed, laid much stress upon the general instructions issued in connection with the permanent settlement, which instructions specifically reserved to the Government the rights in all alienated lands. The real points at issue, the Privy Council continued, were, first, whether the lands which the Government intended to assess were in fact paying no public revenue and secondly, whether in view of Section 3 of Regulation XXV of 1802 it was open to the Government to contend that the sanad should not be taken into account in the construction of Section 4. Section 3, the Privy Council said, expressly declared that the "sanads and kabuliyats shall contain the conditions and articles of tenure by which the lands shall be held" and that "in all cases of disputed assessment reference shall be had to the sanads and kabuliyats and judgment shall be given by the courts of judicature in conformity to the conditions under which the agreements may have been formed in each particular case." And the Privy Council argued: "The above section lays down a definite rule relative to the principles on which the provisions in the Regulation should be construed. Now the sanad in question contains no reference to the lakhiraj lands within the Venkatagiri zamindari. It would follow therefore that in the case of this property the provisions of Section 4 have no application and that the assessment fixed upon it by virtue of the arrangements adopted in 1802 was upon a basis quite different from that provided in Section 4 of the Regulation. In other words both the assessment and the sanad are outside the Regulation under which the Government claims the right to resume the inam lands whithin the estate of the plaintiff and to assess them separately."[1] The Privy Council also stated how the Government at various times expressly assented to the position which the zamindar had taken up in respect of the inams in his estate, and remarked that in the face of such assent, the attempt recently made by the Government "to reverse the arrangement expressly entered into in 1802" could not but be considered to have failed. For all these reasons the Privy Council affirmed the judgment and decrees of the courts in Madras and dismissed the appeal with costs.[2] This judgment of the Privy Council has not been reversed up to the present. In 1929, Sri Alladi Krishnaswami Ayyar, when he was Advocate-General, raised some doubts about its correctness but the Government did not accept his views.[3]

The implications of this judgment were indeed various. Recognizing, as it did, the reversionary rights in the pre-settlement inams in the zamindars, it put a stop to the inam investigations started by

[1] The Judgment in G.O. No. 1922, Revenue, dated 25th August 1921, pages 17 and 18.

[2] *Idem*, pages 18 and 19.

[3] G.O. No. 590, Revenue, dated 5th March 1940, paragraph 5 of the Under Secretary's note.

the Government in the Western Palayams, placed these inams there on the same footing as the post-settlement inams[1] and made the law of alienation applicable to the latter, applicable to the former also. Further it made it necessary to calculate the peshkash on alienated portions which might be separately registered in these estates not with reference to the jodi as in the case of other estates but with reference to the beriz of the villages, inasmuch as the peshkash in these estates was fixed as a whole, inclusive of the inam villages.[2] It has not been deemed necessary to dwell at length upon these points—though they are important in themselves—as they are not of much significance for our present purpose, namely, that of acquisition of estates and their conversion into ryotwari.

Thus it is clear that in the Western Palayams the reversionary right in the pre-settlement inams being in the zamindars, these inams must be considered to be on the same footing as the post-settlement inams. That being so, it is equally clear that the law governing the resumption of post-settlement inams in all estates in general is applicable to the pre-settlement inams also in the Western Palayams. In order, therefore, to eliminate the pre-settlement inams in the Western Palayams what is necessary is to simply apply the methods suggested for the elimination of the under-tenures (post-settlement inams).

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1 G.O. No. 1990, Revenue, dated 9th November 1922, paragraph 3 of the Government Order and the notes.

2 G.Os. No. 1990, Revenue, dated 9th November 1922, paragraph 3 of the Government Order and the notes; also No. 2277, Revenue, dated 21st December 1922; No. 1523, Revenue, dated 3rd October 1925; No. 590, Revenue dated 5th March 1940.

THE TIME AND COST OF SETTLING ESTATES ON RYOTWARI PRINCIPLES.

[Written in 1944. It is connected with the subject of acquisition of estates and their conversion into ryotwari.]

In order to form an estimate of the cost to be incurred, the time to be spent and the staff to be employed, in converting the estates, after acquisition, into ryotwari, a question has been raised as to whether it is possible to ascertain what was the staff employed, for what period, in what area, and at what cost, in the original settlement operations. Upon these minute points no satisfactory information is available in the records; but all the same, from what information is available, it is possible to form a rough idea of the estimate required.

As to the information available about the original settlement operations, taking the districts first, we can give the extent of the area settled in each district. We can also give the cost incurred in settling each district. But we cannot state how much of this cost represented the cost of the Central Office of the Director and how much of it represented the cost of the settlement parties. Nor can we state what staff of what strength took what time in settling each district, firstly, because the strength of the staff varied from time to time and secondly, because no one settlement party was generally employed in settling one particular district. The period of time within which the settlement of each district was taken up and completed cannot, therefore, be taken as a criterion for judging what staff could, within what time, settle a particular district. The reason why we are left in the dark in regard to these matters is that we have not in our custody the records of the Deputy Directors of Settlement who were directly in charge of field parties. Their records alone are likely to throw light upon such minute details; the records of the Director, the Board and the Government do not throw light on them. The periodical progress reports sent up by the Deputy Directors to the Director and by the Director to the Board and the Government show only the area demarcated and classified in a quarter or a year in each district and the expenditure allocated to each district in respect of such work. They do not show the basis upon which this allocation is made; they do not show how many officers, supervisors, head classifiers, classifiers and menials were actually employed for how many days in a particular year or a quarter in each district.[1] All this information, therefore, does not enable us to determine what staff, and for what period, at what cost, could complete the settlement operations of each district.

Taking the Province as a whole, we know the total area settled and the total cost incurred; 61,391 square miles were settled at a

[1] *See* the Quarterly and Annual Reports.

cost of Rs. 89,55,919. In regard to the staff employed, however, this varied from time to time, and in regard to the time taken to settle, this, though we know roughly, cannot by any means be taken as a criterion for our present purpose. In 1858, the Settlement Department was organized under a Director of Revenue Settlement with a Central Office at Madras and 4 Deputy Directors in charge of 4 field parties, each party consisting of a small local office and a field establishment of a supervisor, inspector and classifiers. It was estimated that the Department thus constituted would be able to settle 60,000 square miles in about 22 years.[1] In 1861, however, certain changes were made in the establishment, the strength of each field party was increased and it was hoped that by these changes the entire work could be completed within 14 years.[2] The strength of the Department, as it existed in certain years, shows that it did not remain the same throughout. With such varying establishments the original settlement operations were carried on for 50 years from 1858, when they may be said to have been properly begun, till 1908, when all the items of work connected with the district last settled were completed.[3] And this period of 50 years cannot be considered as the standard time required to settle about 65,000 square miles.[4] For, not only was the strength of the Department never the same throughout, but from about 1887 the Department carried on resettlement operations along with the original settlement operations.[5] Moreover, part of its staff was also diverted to the work connected with the Great Famine of 1876–78.[6] And, in the early period, from 1858 to 1864, a substantial portion of its staff was employed in the work of demarcation,[7] and only the remainder of its staff was employed in its legitimate work of classification and assessment. In 1864, the demarcation work was transferred to the Survey Department in all districts in which the original settlement operations had not been yet begun. But in such of the districts where they had already been commenced the Settlement Department was asked to undertake demarcation.[8] It would appear that till about 1876 or 1877 the settlement parties were carrying on demarcation along with classification. Nor was this all. In 1864 the settlement work in Nellore and Tirunelveli was placed directly under the Collectors with a view to deciding the feasibility of abolishing the Settlement Department altogether and entrusting its work in every district to the Collectors. The Department was, however, not abolished, though the post of the Director was abolished and

1 Selections from the Records of the Madras Government No. 53, page 22.

2 *Idem*, page 321.

3 G.O. No. 2620, Revenue, dated 17th September 1908.

4 The actual area dealt with excluding Malabar and South Kanara was 61,411 square miles. The figures for these two districts are not readily available.

5 South Arcot Gazetteer, page 220.

6 G.O. No. 1280, Revenue, dated 2nd October 1880.

7 Administration Report for Madras, 1901–1902, page 69; also the Annual Administration Reports of the Settlement Department for the early years: also page 13, paragraph 26 of G.O. No. 2243, Revenue, dated 12th December 1864.

8 G. O. No. 2243, Revenue, dated 12th December 1864, page 13, paragraph 29.

his work entrusted first to the Director of Agriculture and then to a Member of the Board of Revenue.[1] To add to this all, the Government, in the case of a number of districts, took an inordinately long time in passing orders on settlement schemes.[2] All this not only clearly explains the delay in carrying out the original settlement operations but also cautions us not to take the period spent over them as a criterion for judging similar work.

Having thus disposed of the nature of the information available on the points raised, we may now see in the light of all available information, whether it is possible to estimate the cost of settling the entire zamindari area in this Province, and, if so, the staff and the time that will be required to do the work.

We have no definite information about the area of the zamindari lands in each district to be settled. A large number of the zamindaris do not seem to have been surveyed at all. About those that have been surveyed some information is found in the Appendices to the Report of the Madras Estates Land Act Committee of 1938 (*See* Appendix XVIII on pages 466 to 471). But this information is not complete. There is, in fact, no information of any recent times relating to the area cultivated and cultivable in the various zamindaris. The only attempt to acquire such information was made in 1880, and that was in connexion with the Census of 1881. Particulars obtained at that time in regard to the extent of (1) the "uncultivable", (2) the "cultivable but not cultivated" and (3) the "cultivated" lands of the zamindaris in each district were then collected. The Collectors were asked to prepare these statements in such a manner as to include in them even the hills, forests, uncultivated porambokes, sites of villages, roads and river and tank beds under one heading or other.[3] But, actually, all Collectors do not seem to have done this. Some of them do not seem to have brought large areas of their districts under any one of the headings. This was specially so in the case of Vizagapatam, Godavari, Nellore, Coimbatore and Madura. It is this that explains why the Board in consolidating the Collectors' statements into one statement had to add or subtract under the column "unspecified" certain large figures, so as to make up the total known area of each district. The area omitted by the Collectors, however, seems to have consisted mostly of mountains and forests. There is evidence to show that this was definitely the case in regard to Vizagapatam district where the mountain and forest areas together were known to amount to 15,000 square miles. This was almost the exact area left out by the Collector and treated by the Board as "unspecified". There is, however, no evidence to show that any considerable portions of areas which were considered as either "cultivated" or "cultivable but not cultivated" were left out by the Collectors. And these are evidently the only areas with which

1 Administration Report for Madras, 1901–1902, page 691.
2 G.O. No. 1280, Revenue, dated 2nd October 1880.
3 B.P. No. 1240, dated 27th August 1880.

we are now concerned. Therefore it is that, unless more accurate figures about these classes of lands are forthcoming, it may be necessary to fall back upon the figures collected in 1880. According to these figures the total area to be settled in all zamindaris amounts to 12,877 square miles. From this total area, a deduction, however, will have to be made for the area transferred from Ganjam and Vizagapatam districts to the new Orissa Province in 1936. If we roughly estimate this area at 1,000 square miles, the net area to be settled now would be 11,877 square miles.

The area of the zamindari lands to be settled being thus known, we have to calculate the cost of settling this area. And for this purpose the only satisfactory method to be adopted seems to be the following. We know the daily outturn fixed for each classifier and we can, therefore, find out how much area a party consisting of a moderate strength, say of 30 classifiers and a few superior and higher officers, can settle within a year. In 1858, when the Settlement Department was organized, the daily outturn per classifier was estimated at 60 acres.[1] We cannot, however, take this as the standard, as it was not based on experience. After some experience the Director of Revenue Settlement fixed a daily outturn of 200 acres of dry or 120 acres of wet land for each classifier.[2] But this was soon found to be too much; the classifiers complained[3] and the Director, after consulting all his Deputy Directors, fixed in 1884 a daily outturn of 170 acres of dry or 100 acres of wet land, or, on an average, of 135 acres of land for each classifier.[4] We may safely take this as the standard for our purposes, based as it was on more than 25 years' experience. It must be stated here that the classifiers were not only expected to show this outturn in classification but also to attend to their other duties, such as the preparation of registers and pattas.[5] For the duties of the classifiers and other superior officers of each field party and Central Office, a reference is invited to the Settlement Manual, a book which was compiled in 1887 when the original settlements were in progress. It would, however, appear that the classifiers were not normally expected to work throughout the year; they were given recess in April and May, during which months, they were expected to clear off arrears, if any, in accounts or classification work.[6] Thus a field party consisting of 30 classifiers could in a year, classify as follows:—

Daily outturn for each classifier ..	135 acres.
Number of working days in a month ..	23 (Excluding Sundays and holidays).

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1 Selections from the Records No. 53, page 325.

2 Proceedings of the Director No. 2458/288, dated 3rd October 1882 and No. 960, dated 11th April 1883.

3 Proceedings of the Director No. 640, dated 7th March 1883.

4 Proceedings of the Director No. 2506-A, dated 4th August 1884.

5 Letter from the Deputy Director, II Party in the Proceedings of the Director No. 2507-A, dated 4th August 1884.

6 Director's Proceedings No. 616, dated 16th April 1861, paragraph 8 of letter from Deputy Director, Krishna District.

Number of working days in 10 months.	230
Outturn per year of each classifier ...	230 × 135 = 31,050 acres.
Outturn per year of one field party of 30 classifiers.	931,500 acres or 1,456 square miles.

With the aid of 3 field parties therefore and a Central Office, the entire zamindari area of about 11,877 square miles can be settled in about 2¾ years or, say, 3 years at the most. But this is only the normal time required to classify and settle zamindari areas which might not present any special difficulties such as the common ownership of lands, mirasi rights, etc. Where, however, these difficulties are present, and they are likely to be present in the zamindaris of certain districts like Chingleput, a much longer time than the normal time would have to be spent in settling. It is difficult to say how much longer; we have to estimate this arbitrarily, say, perhaps one year. To these 3 + 1 or 4 years we may also add about one year as the time that will have to be taken by the Government in considering the various settlement schemes. Thus, within 5 years at the most, we may reasonably hope to settle all the zamindari areas in the Province. But this will be the time required for the settlement alone. It is presumed that, while the settlement parties are classifying and assessing the zamindaris already surveyed, the survey parties will proceed with the survey of the remaining zamindaris and thus provide continuous work for the settlement parties. The cost of the entire operations would depend upon the annual cost of the Central Office, of the field parties and of the contingencies, such as the printing and binding of settlement registers, etc. It ought not to be difficult to estimate the cost of the Central Office and the field parties that are to be organized now. Until recently, the resettlement operations were in progress and the rates of pay of the officers and the staff employed in them can be ascertained from the budget Estimates of the Settlement Department. To this cost of Central Office and staff must be added the cost of contingencies. From a comparison of the annual cost of the Central Office and staff and the annual cost of contingencies for certain years, in which the items under contingencies are more or less clearly stated, (for instance, 1876 to 1881 and 1890 to 1893),[1] it is found that the former bears to the latter, on an average, a ratio of roughly 11 : 1. In this proportion, therefore, annual allocation can be made to the Central Office and staff on the one hand and the contingencies on the other.

There are two other ways by which the cost of the operations can be roughly estimated. These, however, do not seem to be as satisfactory as the one mentioned above. However, they are suggested here for what they are worth. We know the cost per square mile incurred in settling the Government lands in each district. We know also roughly the area of the zamindari land to be settled in each district. By multiplying the one with the other,

[1] The Annual Administration Reports of the Settlement Department for these years.

therefore, we get the cost which the Government would have incurred in settling zamindari lands in each district, had they undertaken such a settlement operation along with the settlement operations of the Government lands in the second half of the last century. The total of these costs of every district gives us the cost that would have been incurred in settling all the zamindari lands in the whole Province.

This method would give the following result in the case of all zamindari districts:—

District.	Area of the land to be settled.	Cost per square mile	Total costs.
(1)	(2)	(3)	(4)
		RS.	RS.
Chingleput	264	216	57,024
Ganjam	1,081	390	4,21,590
Kistna	1,108	86	95,288
Nellore	1,644	77	1,26,588
Salem	1,039	146	1,51,694
Tanjore	230	355	81,659
Coimbatore	135	109	14,715
Godavari	1,173	95	1,11,435
Madura	2,098	215	4,51,070
North Arcot	1,172	294	3,44,648
South Arcot	22	159	3,498
Tinnevelly	1,151	186	2,14,086
Trichinopoly ...	500	149	74,500
Vizagapatam ...	1,256	431	5,41,336
		Total ...	23,89,131

From this we have to deduct the cost of settling 1,000 square miles at the average rate of Settlement of Ganjam and Vizagapatam, namely, Rs. 410 per square mile, that is, Rs. 4,10,000. We, therefore, get Rs. 22,79,131 as the cost that would have been incurred by the Government in the second half of the last century.

This calculation, however, cannot be considered to be sound for various reasons. The cost of settling a square mile of land varied widely in some districts; and this rate seems to have varied, as stated by the Director in 1880, on account of various reasons. These reasons chiefly consisted of: (1) the great delay which took place in sanctioning settlement schemes, sometimes even 5 years; (2) the consequent heavy cost of supervision; (3) the occasional revision of classification in some districts; (4) the difficulty of distinguishing the fields in the ryots' occuption in certain districts where the old village lump assessment had been apportioned to entire holdings and not to individual fields; (5) the careful treatment of lands on the

block system in certain districts; (6) the special attention paid to compounding second crop, the registry of palmyras and the division of common lands in some districts: (7) the necessity of registering the mirasidars' shares in mirasi villages, the entries of mirasi fees against the fields and the division of common lands in mirasi districts; and (8) the obstacles presented by the Famine of 1876–78 (*see* G.O. No. 1280, Revenue, dated 2nd October 1880). It will be admitted that, while some of these elements which contributed to the higher cost were unavoidable, others were avoidable, such as the delay in sanctioning settlement schemes. The Director stated that the average rate of Nellore, Kurnool, Kistna and Godavari was Rs. 125 per square mile or, eliminating the cost of demarcation, Rs. 75 per square mile, and estimated that the rate for Cuddapah, North Arcot, Coimbatore and South Arcot was likely to be Rs. 100 per square mile, excluding the cost of demarcation. Some of these rates actually proved to be more or less correct, but some were found wrong. For our purposes, we may take the rate of Rs. 100 per square mile in the case of all zamindari lands which do not present any peculiar conditions and say, arbitrarily, a rate of Rs. 200 in the case of such of the zamindari lands as present difficulties in settling and thus arrive at the cost which the Government would have incurred in settling all zamindari lands, had they undertaken to do so, without any avoidable delays in sanctioning settlement schemes, etc., in the second half of the last century.

This would work out as follows :—

District. (1)	Area of the land to be settled. (2)	Cost per square mile. (3)	Total cost. (4)
		RS.	RS.
Chingleput	264	200	52,800
Ganjam	1,081	200	2,16,200
Kistna	1,108	100	1,10,800
Nellore	1,644	100	1,64,400
Salem	1,039	100	1,03,900
Tanjore	230	200	46,000
Coimbatore	135	100	13,500
Godavari	1,173	100	1,17,300
Madura	2,098	200	4,19,600
North Arcot	1,172	200	2,34,400
South Arcot	22	100	2,200
Tinnevelly	1,151	200	2,30,200
Trichinopoly	500	100	50,000
Vizagapatam	1,256	200	2,51,200
		Total ...	20,12,500

From this a deduction of Rs. 2,00,000 has to be made for the area transferred to Orissa and this will give the cost as Rs. 18,12,500.

This method is, undoubtedly, more reasonable than the method of merely multiplying the cost actually incurred in settling one square mile of Government land in each district by the area of the zamindaris situated in that district, and then totalling up the whole amount. In both these methods, however, we soon arrive at a deadlock, because we find no satisfactory basis to estimate the modern cost with reference to the old hypothetical cost. We find ourselves forced to fix an imaginary ratio between the old and modern rates in order to estimate what it may cost at the present time. For this reason, it appears to be, on the whole, advisable to adopt the method suggested earlier.

AFFAIRS OF THE TIRUMALAI-TIRUPATI DEVASTHANAM ESTATES.

[Written in 1946. It describes the conditions prevailing in the Tirumalai-Tirupati Devasthanam estates and the measures adopted and contemplated to improve them.]

It is proposed to deal here with the land tenure administration of the Tirumalai-Tirupati Devasthanam estates, to explain the causes of its defects and to assess the value of the remedies suggested to rectify them.

The Devasthanam owns extensive landed properties. The bulk of these are situated in Chingleput and Chittoor districts, while the remainder lie scattered in some other districts of this Province, in the Province of Bombay and in the Hyderabad State.[1] Here we are concerned only with the former in which the affairs are found to be so extremely unsatisfactory.

These properties are all permanently-settled estate villages. They lie in the Government taluks of Ponneri and Tiruvellore in Chingleput district and Tiruttani and Puttur in Chittoor district.[2] The villages in Chingleput district originally formed part of the Kalahasti estate, while those in Chittoor district originally formed part of the Karvetnagar estate.[3] After their acquisition by the Devasthanam, they were formed into four Devasthanam taluks: Kachinad taluk in Chingleput district and Tiruttani, Narayanavanam and Athimanjeri taluks in Chittoor district. These four taluks were, in 1935, for greater convenience of administration, split up into six divisions or taluks as follows:—

Kachinad.

Pennalurpet. | Madarpakkam.

Narayanavanam.

Puttur. | Nagari.

Tiruttani.

Tiruttani West. | Tiruttani East.

The Athimanjeri taluk was divided into two and while one portion of it was added to the Nagari taluk, the other was added to the Tiruttani West taluk.[4]

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[1] G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, N.F., page 47.

[2] *Idem.*

[3] *Idem*, pages 47–48.

[4] G.O. No. 1688, L.S.G., dated 30th April 1936, pages 19–20 of the Committee's Report; also G.O. No. 2220, P.H., dated 25th May 1940, page 11.

We have no detailed information in our records regarding the purchase of these estates by the Devasthanam for the simple reason that they were all purchased before the Tirumalai-Tirupati Devasthanams Act, 1932 (Madras Act XIX of 1933) came into force, that is, they were purchased at a time when there was no need for the Devasthanam authorities to bring such matters to the notice of the Government. It is, however, clear that they were purchased at court auctions by the Mahant of Tirupati as shown below :—

Old taluk.		Year of purchase.	Value paid. RS.	A.	P.
Tiruttani	...	1912	25,53,880	9	5
Kachinad	...	1914	19,55,941	11	1
Narayanavanam	...	1930	17,20,005	0	0
Athimanjeri	...	1913	7,20,206	15	11
		Total ...	69,50,034	4	5

or Rs. 69·50 lakhs in round figures.[1]

There are 204 estate villages in Chingleput district and 475 estate villages in Chittoor district. Their average rent-roll and peshkash are: [2]

District.			Rent-roll. RS.	Peshkash. RS.
Chingleput	...	...	1,81,838	51,611
Chittoor	...	...	5,14,273	1,07,374
		Total ...	6,96,111	1,58,985

Of these villages 22 in Chingleput district and 99 in Chittoor district, in all 121 villages, are what are called permanent under-tenure villages created by the zamindars.[3] For a clear understanding of the nature of the under-tenure villages, reference is solicited to the section of the note dealing with under-tenure in estates.[4] Here it is enough to remark that the under-tenure or inam villages in Chittoor district pay a total jodi of Rs. 3,318–1–6 and land cess of Rs. 7,746–14–7 to the Devasthanam, while those of Chingleput district pay a jodi of Rs. 602–11–4. Twenty-one of these villages, being on sarva dumbala tenure, do not pay any jodi to the Devasthanam, but they pay land-cess.[5]

As the estates were carved out of two different zamindaris, there were two different types of tenures in them. In the portion acquired from the Kalahasti zamindari, i.e., the old Kachinad taluk in Chingleput district and the present Pennalurpet and Madarpakkam taluks, the rent was fixed at so much per acre in cash, irrespective of the extent cultivated, and the produce-sharing

1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, N.F., 48–49.
2 *Idem*, page 51.
3 *Idem*.
4 Pages 109 to 135 of the note on "Under-tenures in Estates."
5 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, N.F., page 52.

system prevailed only in about 100 acres of what are called Koru lands.[1] But in the portion acquired from the Karvetnagar zamindari, i.e., the old Narayanavanam, Tiruttani and Athimanjeri taluks, and the present Puttur, Nagari, Tiruttani West and Tiruttani East taluks, the system was antiquarian and highly complicated. Here rent was charged with reference to the crop raised and the extent actually cultivated by the ryot, the ryot having the option of raising such crops as he liked. The rent also depended upon the nature of the land, i.e., the soil and the rates were different in different villages even for the same kind of crops. These rates were recorded in dittam books kept by the karnams in each village. Wastes were not generally charged but, we are told, wilful neglect to cultivate was liable to charge. Water-rates, second crop and special crop rates were charged. It was with reference to all the foregoing data that the rent payable by each ryot was determined. In a few villages, there were cash rents but in most there was what was called the Rokkadayam System which meant payment partly in cash (Rokkam) and partly in grain (Dayam). The Rokka Dayam was converted entirely into money in the case of each kind of grain thus: The grain portion of the rent per gunta was converted into money by the application of Nirukku (current) rates which had to be fixed with reference to the market rates (of particular kinds of grain) prevailing at prescribed market centres on the prescribed date at each of the Amushams or kist seasons. The rate so arrived at was added to the cash portion of the rent and the combined amount formed the rate of rent per gunta of that particular kind of grain. The rate of each kind of grain having been thus arrived at, the rent was fixed with reference to the extent cultivated with each kind of crop. This is how the baki-japitas showing the demand of each ryot for each Amusham (kist season) was prepared by the karnams. And the sum total of all the rents of the ryots formed the beriz of the village.[2]

Such was the system of land tenures and settlement inherited by the Tirumalai-Tirupati Devasthanams Committee. We may now see what defects it revealed and how far they have been rectified.

The one thing that has struck not only the Committee but also the Hindu Religious Endowments Board and the Government throughout the last 12 years is the accumulation of huge arrears. The extent of these arrears can be seen from the table given below.[3]

Years.			Arrears.
			RS.
Fasli 1343 (1933–34)	...	...	20,27,970
,, 1344 (1934–35)	...	...	22,45,169
,, 1345 (1935–36)	...	...	20,49,765

1 G.O. No. 3893, L. & M., dated 24th September 1935, page 47, paragraph 58 of the Committee's Report.

2 *Idem*; also G.O. No. 2289, P.H., dated 28th May 1940, pages 50–51.

3 The table has been compiled from the Administration Reports.

Years.		Arrear.
		RS.
Fasli 1346 (1936-37)	...	22,66,831
„ 1347 (1937-38)	...	32,50,000
„ 1348 (1938-39)	...	24,23,350
„ 1349 (1939-40)	...	24,77,690
„ 1350 (1940-41)	...	15,69,820
„ 1351 (1941-42)	...	17,18,250
„ 1352 (1942-43)	...	17,43,220
„ 1353 (1943-44)	...	19,03,410
„ 1354 (1944-45)	...	17,12,801

The table will show that in no year did the arrears amount to less than 15 lakhs of rupees. These heavy arrears were said to be due to the fact (1) that the jamabandi of the taluks had not been conducted for several years and provisional demand was fixed with reference to baki-japitas received during the fasli and (2) that several items required to be written off such as 25 per cent remission on the ayan dues from fasli 1338, Shavi remission, indigo remissions and other amounts to be written off as irrecoverable were included in the arrears[1]. In 1937-38 the arrears rose to the record figure of Rs. 32,50,000. The next year the Committee wrote off Rs. 10,42,680 as irrecoverable,[2] and this explains the reduction in arrears in 1938-39 to Rs. 24,23,350. In 1940, the Committee wrote off again over 9½ lakhs of rupees under the Madras Agriculturists' Relief Act.[3] The arrears in 1940-41 were thus appreciably reduced to Rs. 15,69,820,—the lowest figure recorded, but from the very next year, in spite of these large sums being written off, the arrears began to rise again, until last year when they stood at Rs. 17,12,801.

These arrears were mainly due to the failure of the Committee to realize large portion of the current demand as is evident from a glance at the statement given below[4] :—

Year.		Current demand.	Collections.
		RS.	RS.
1346 (1936-37)	...	7,34,837	1,26,097
1347 (1937-38)	...	7,17,596	2,49,409
1348 (1938-39)	...	7,75,520	85,840
1349 (1939-40)	...	5,78,000	2,27,690
1350 (1940-41)	...	6,91,430	1,69,530
1351 (1941-42)	...	7,29,290	2,46,650
1352 (1942-43)	...	7,08,420	1,93,350
1353 (1943-44)	...	11,34,620	4,24,710
1354 (1944-45)	...	8,90,869	6,53,900

The Committee, however, realized large sums by way of arrears also. The total receipts from the estates as compared with the total expenditure were as follows[4].

1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, N.F., page 28.
2 G.O. No. 2220, P.H., dated 25th May 1940, page 73.
3 G.O. No. 2713, P.H., dated 28th June 1941.
4 The table has been compiled from the Annual Administration Reports.

Year.			Total Receipts.	Total Expenditure.	Surplus or deficit.
			RS.	RS.	RS.
Fasli 1343	...	...	2,46,480	3,79,820	— 33,344
„ 1344	...	...	4,39,750	3,96,240	+ 43,510
„ 1345	...	...	5,03,080	4,02,360	+ 94,710
„ 1346	...	...	5,14,410	4,66,710	+ 47,710
„ 1347	...	...	4,02,809	4,92,690	— 89,880
„ 1348	...	...	4,66,700	5,36,660	— 69,960
„ 1349	...	...	5,20,300	4,73,100	+ 47,200
„ 1350	...	...	5,15,200	4,55,310	+ 59,890
„ 1351	...	...	5,43,940	4,87,950	+ 55,990
„ 1352	...	...	6,66,020	6,68,560	— 2,540
„ 1353	...	...	9,52,780	5,94,130	+ 3,58,650
„ 1354	...	...	8,39,762	6,27,721	+ 2,12,041

This will show that, during faslis 1343, 1347, 1348 and 1352, the estates were a drag on the Devasthanam and that in other faslis, save in 1353 and 1354, they did not fetch any appreciable income especially when it is remembered that nearly 70 lakhs of rupees were spent over their acquisition. It was only in faslis 1353 and 1354 that the estates fetched a handsome return and this is evidently explained by the unusual rise in the prices of agricultural produce caused by the War.

In any case, what with the inability of the estates in some years to meet even their own cost of management from their income, the utter failure of the Committee to realize anything approaching the current demand in any year, and above all, the vast balances outstanding at the end of all years, the financial position of the estates could not but be considered as highly unsatisfactory. And so was it considered by the Hindu Religious Endowments Board and the Government. In 1935, the Hindu Religious Endowments Board said that "the arrears to be collected are doubtless large and the income is low especially in view of the fact that a sum of over 63 lakhs of rupees was invested in the acquisition of the four estates."[1] And the Goverment observed : "The Government consider that the work of collection . . . . . is not satisfactory. The revenue system of the estates should be reorganized and placed on a sound basis."[2] In 1936, when the Hindu Religious Endowments Board again referred to the large arrears outstanding, the Government remarked : "The Government observe that in all cases the total collection of arrears and current revenue were considerably less than the demand for the year and that the arrears are therefore increasing. It is imperative that effective steps should be taken to reduce the arrears."[3] In 1937, when the Hindu Religious Endowments Board once more commented upon the arrears, the Government once more ordered

[1] G.O. No. 3893, L. & M., dated 24th September 1935, page 6.

[2] *Idem*, page 108.

[3] G.O. No. 1688, L.S.G., dated 30th April 1936, page 78.

that "all necessary steps should be taken to reduce the huge outstanding arrears[1]." In 1938 the Government repeated this order saying that "a strenuous effort should be made to reduce the huge arrears outstanding[2]." In 1940 the President of the Hindu Religious Endowments Board described the state of growing arrears and remarked that the percentage of collection to demand did not even work up to 10 per cent[3]. In the same year the Government gave a severe warning to the Committee and the Commissioner that, if they did not take prompt measures to realize the arrears, they would be considered as incompetent and replaced by a new set of men. They said: "It would appear to Government that it is time the Committee and the Commissioner got down to the problem of these arrears. They would in themselves be sufficient reason for action under Sections 11 (1) and 18 (1) of the Act[4]." In 1941 the Government remarked: "During the fasli under review the collections as a whole and those under current demand in particular have improved as compared with those in the previous years. There is yet a huge balance of nearly 15 lakhs to be collected, excluding the sum of Rs. 9,78,772 which has been written off as irrecoverable during fasli 1350. The outstanding arrears should be collected without delay[5]." In 1942 the Hindu Religious Endowments Board pointed out "that the problem of collection of rent from the estates then and there and that of recovery of old arrears has to be seriously tackled by the Committee without delay[6]" and the Government stated that they saw no improvement in rent collection in spite of their remarks made in the previous year[7]. In 1943 the Hindu Religious Endowments Board drew pointed attention to the poor collections made towards current demand. It said: "Excluding law charges and cost of public works the normal expenditure on the estates in the fasli was about Rs. 3,71,810, while the collection in respect of the current demand was only Rs. 2,46,650, which is very nearly the same as the amount of peshkash and land-cess paid in the fasli. The collection made in respect of the current demand should at least be enough to meet the normal expenditure of the estates excluding law charges and other expenses of an extraordinary nature . . . The old arrears are still heavy and amount to as much as Rs. 12,35,610. This question requires the early and serious attention of the Committee[8]." Upon this the Government remarked: "The percentage of collections to the demand is still poor . . . The Committee should take steps to improve collection work.[9]"

The state of affairs in the subsequent years was in no way better. In 1944 the Hindu Religious Endowments Board observed:

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[1] G.O. No. 1781, L.S.G., dated 13th May 1937, page 102.
[2] G.O. No. 1472, P.H., dated 21st April 1938, and page 178 *infra*.
[3] G.O. No. 2220, P.H., dated 25th May 1940, pages 11–12.
[4] G.O. No. 1051, P.H., dated 14th March 1940, pages 101–103.
[5] G.O. No. 2713, P.H., dated 28th June 1941.
[6] G.O. No. 627, P.H., dated 19th February 1942, page 231.
[7] *Idem*, page 238.
[8] G.O. No. 1221, P.H., dated 7th June 1943, page 8.
[9] *Idem*, page 181.

"The collections in respect of the current demand in the Puttur, Nagari and Tiruttani taluks have been particularly poor, the percentage in respect of Tiruttani taluk being only a bare 14 per cent. The collection of arrear demand in the taluks of Pennalurpet and Madarpakkam has been very unsatisfactory, the percentage being 8 per cent for Madarpakkam taluk. The jamabandi is in arrears from 1349 fasli and the demand adopted appears to be only the provisional demand . . . The expenditure under estates in the fasli was in excess of the receipts by Rs. 2,590 and in excess of the budget estimates by Rs. 1,69,260. This was mainly due to a sum of Rs. 1,46,510, having been spent for survey and settlement. The demand for the fasli was Rs. 7,08,420 and deducting 25 per cent for the usual remissions, the collectable demand would amount to about Rs. 5,30,000, while the expenditure was Rs. 6,68,560. The estates have to be made self-supporting and for this purpose early steps have to be taken to reorganize the whole system of management to ensure prompt jamabandi being done, correct and up-to-date D.C.Bs. and other registers being maintained, collection work being speeded up and efficient supervision of the whole work being provided for and full advantage taken of the present favourable market conditions[1]." The Government then ordered that "the Committee should take vigorous steps to improve collection work and reduce the heavy arrears as soon as possible as well as to see that the estates are made self-supporting[2]". In 1945 the Hindu Religious Endowments Board noticed that, though the collections had increased by 2·9 lakhs, the arrears had risen by 1·6 lakhs and remarked that the Committee should take vigorous steps to improve the collection and to reduce the arrears[3]. The Government agreed with the Hindu Religious Endowments Board and ordered that the Committee should "devote special attention to improve collection and reduce the arrears[4]." And in the latest report when the Hindu Religious Endowments Board felt that the collections could not be said to be satisfactory[5], the Government once again ordered that "special attention should be devoted to the reduction of arrears and to the collection of the current demand[6]."

The real causes of this unsatisfactory state of affairs were, it would seem, chiefly five: (1) the high rates of assessment in the estates, (2) the refractory character of the ryots, (3) the contumacy and negligence of the village officers, (4) the inefficiency of the taluk and huzur establishments and (5) the complicated systems of tenure and assessment.

There is no evidence in the earlier administration reports of the Devasthanam about the rates of assessment prevailing in the estates. From the later reports and from certain special enquiries

[1] G.O. No. 930, P.H., dated 1st April 1944, pages 7–8.
[2] *Idem*, page 164.
[3] G.O. No. 910, P.H., dated 5th April 1945, page 5.
[4] *Idem*. page 114.
[5] G.O. No. 351, P.H., dated 5th February 1946, page 4.
[6] *Idem*. page 117.

made in 1940 it is found that these rates were considerably higher than the rates prevailing in the Government ryotwari areas. We find that in the Puttur taluk of the Devasthanam in Chittoor district the rates were as follows[1] :—

Crop.	Source of irrigation.	Rate per acre. RS.	A.	P.	Dry or wet land.
	Tadakka village.				
Aruga and sama (probably the poorest among dry crops).	Well	3	5	2	Dry.
Mangoes and oranges ...	Well and tank ...	7	0	0	Do.
Sugar-cane	Well	27	3	2	Do.
Groundnut	Do.	6	2	0	Do.
Betel and sugar-cane ...	Tank	31	1	4	Do.
Paddy	Do.	22	5	4	Do.
		for 1st crop.			
		24	8	4	
		for 2nd crop.			
	Venkataperumalrajapuram.				
Paddy	Tank	26	1	0	Wet.
		for 1st crop.			
		25	9	9	
		for 2nd crop.			
Sugar-cane and betel ...	Tank	28	0	0	Do.
Do. ...	Well and tank ...	24	8	0	Dry.
Indigo	Tank	7	0	0	Wet.
Gingelly, green-gram, black-gram, etc., on wet land.	Tank and well	10	2	8	Do.
Sajje, ragi, cholam, aruga, horse-gram, etc.	Well	3	14	8	Wet.
	Narayanapuram.				
Indigo	Well	3	11	3	Dry.
Do.	Rain-fed	2	0	0	Do.
Sajje, ragi, aruga, cholam, groundnut, etc.	Do.	1	8	6	Do.
Sugar-cane and betel ...	Well	24	8	0	Do.

These rates appear undoubtedly high when compared with the following ryotwari rates prevailing in the Chandragiri taluk of Chittoor district.[2]

Wet lands compounded at 1¼ first crop rate :—

RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
11	12	0	9	6	0	5	1	0
10	15	0	6	9	0	3	2	0
10	3	0	5	8	0			

[1] G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, N.F., pages 54–55.

[2] G.O. No. 1603, P.H. (Confidential), dated 12th July 1943, page 6.

We have no details of the rates prevailing in the estate taluks in Chingleput district, but they are also said to be higher than the ryotwari rates, though they are stated to be not so high as the rates prevailing in the estate taluks in Chittoor district.

It is these higher rates of assessment that explain the 25 per cent of remissions of rents uniformly made in all estate villages every year from 1928 down to the present. They also, no doubt, partly explain the discontent prevailing among the ryots. But they alone cannot be said to be wholly responsible for that chronic malady. If that were so, the ryots ought to have cheerfully accepted, when offered, the rents proposed to be fixed after getting a record of rights prepared through Government agency. This, however, they did not do. They not only clamoured for and secured the yearly remission of 25 per cent but also pressed for more and often obtained indigo remissions, remissions for fodder and manure purposes, remissions for failure of crops, etc.[1] Moreover, they seem to have shown an utter averseness to any kind of regular payments and it is this, perhaps more than anything else, that explains the huge arrears and the heavy expenses—on an average about Rs. 50,000—incurred by the Committee annually over civil and rent suits. A private proprietor would, under such circumstances, have resorted to coercive measures and realized at least a good portion of the rents. But the Committee was placed in a different position. Being a constitutional body it could not do this. Nor was this all. The ryots seem to have shown an equal dislike to any kind of regular settlements of rents and compelled the Committee to resort to private settlements of rents.

In the very year in which the Committee took charge of the Devasthanam (1933), it complained that in the Tiruttani taluk some of the ryots had formed themselves into a sangham and, not being satisfied with the usual remission of 25 per cent, agitated for a remission of 33⅓ per cent besides starting a "no-tax campaign."[2] In 1936 when the ryots of Tiruttani represented to the Government a series of grievances against the Committee,[3] the Commissioner observed that it was those very same ryots who were giving frequent troubles and causing considerable damage by preaching non-payment of rent. The Commissioner hoped that the Committee had succeeded in pacifying a large body of ryots[4] but his hopes were soon frustrated. The ryots, long accustomed to procrastination and excuses under the lax administration of their previous masters, refused to make

[1] G.Os. No. 3893, L. & M., dated 24th September 1935, page 49; No. 1688, L.S.G., dated 30th April 1936, page 20; No. 1781, L.S.G., dated 13th May 1937, page 32; No. 1472, P.H., dated 21st April 1938, page 40; No. 1051, P.H., dated 14th March 1940, page 21; No. 2289, P.H., dated 28th May 1940, page 51 and No. 2713, P.H., dated 28th June 1941.

[2] G.O. No. 3893, L. & M., dated 24th September 1935, page 49.

[3] G.O. No. 2522, L.S.G., dated 13th June 1936, pages 1–6.

[4] *Idem*, pages 9–12.

regular payments with the result that the arrears began to swell and the Committee had to write off, in 1939, over 10½ lakhs of rupees as irrecoverable arrears.[1] In 1940 the Committee again had to write off about 9½ lakhs of rupees under the Madras Agriculturists' Relief Act.[2] In fact, the granting of special and other remissions, the retransfer of bought-in-lands to their owners on reasonable terms, the conclusion of private settlement of rents in some villages and the exhibition of utmost patience in exercising the powers of distraint—all these proved of no avail. It was in these circumstances that the Committee felt that the only way by which the rents could be promptly realized was by approaching the Government to invest it with powers similar to those possessed by the Government in the matter of revenue recovery under the Revenue Recovery Act. The Committee as a last resort, therefore, requested the Government to invest it with such powers[3], but there is nothing to show that the Government granted such powers to the Committee. Meanwhile the agitation of the ryots went on, it would seem, as usual. In 1942 some of the ryots of the Zamin Ryots' Association, we are told, carried on active propaganda for non-payment of rents.[4] In 1943 the Kisan Sabha is reported to have carried on a vigorous no-tax campaign as a result of which the collections in a large number of villages in Puttur and Nagari divisions were severely affected.[5] Thereafter, on account of the abnormal rise in the price of agricultural produce—and the consequent good profits which the ryots could make—and on account of the introduction of private settlement of rents in many villages, the agitation seems to have cooled down. But this appears to be only a temporary phase and the agitation is likely to flare up again the moment the prices become normal or the moment the Committee adopts any regular system of assessment.

While the ryots were refractory and dilatory in paying their rents, the village officers were said to be lacking in character, conduct and discipline. It is obvious that the complicated system of land revenue prevailing in the estates could be worked successfully only if the karnams, the monigars and the village headmen performed their multifarious duties honestly, accurately and promptly. But there was in fact neither honesty, nor accuracy, nor promptitude in the village establishments. The karnams had to prepare accounts of the nature of the crops and the extent of cultivation and to forward them promptly to the tahsildars, so that the latter might fix the demand. They were paid by the Devasthanam in addition to what they got from the Government, and yet they neglected their duties, never sending up the accounts for months or even years together.[6] The result was that the Devasthanam authorities were

1 G.O. No. 2220, P.H., dated 25th May 1940, page 73.
2 G.O. No. 2713, P.H., dated 28th June 1941, page 34.
3 *Idem*, pages 40–41.
4 G.O. No. 627, P.H., dated 19th February 1942, page 53.
5 G.O. No. 1221, P.H., dated 7th June 1943, page 38,
6 G.O. No. 3893, L. and M., dated 24th September 1935, pages 47–48 and 53, paragraphs 58, 60, 61 (ii) and 68 of the Committee's Report; also the references given to the next paragraph of this note.

at no time in a position to conduct the jamabandi within the year or even after the lapse of two or three years, so that they were at no time in a position to state with certainty what was due to the Devasthanam and from whom. This inordinate delay in the submission of accounts and the preparation of jamabandi often led to claims not being preferred till they were about to become time-barred.[1] Nor was this all. Even after the claims were ascertained and the demands were made, the monigars and headmen who were entrusted with the collection of rents used to "pass receipts and misappropriate the amounts and keep them unremitted for months and years too." Some collected even without passing receipts and misappropriated the entire amount.[2] There is little doubt that the Devasthanam authorities found themselves utterly helpless in controlling and enforcing their obedience.

In 1934 the Committee observed: "The karnams require to be brought to a proper sense of their duties to their proprietor. There is utter lack of disciplinary control over these subordinates . . . To add to this, some of the village headmen in the taluks who generally happen to be also estate collection monigars do not show any interest whatever towards the estate collection work, but on the other hand act more or less against the estate in connivance with the ryot[3]. . . In the absence of reconciliation between the village and taluk accounts there is absolutely no means whatever to assure the accuracy of the one or the other. This is due to the extreme apathy on the part of the karnams in particular who, though paid separate salaries in addition to the salaries they get from the Government, do not show any interest in the work of the Devasthanam. The administration suffers not a little on account of their indifference and neglect of duty which is greater now under the recent revised rules framed by the Government under the Proprietary Village Service Act (Madras Act II of 1894), under which a headman is not bound to do the proprietor's work in the village and the karnam is not bound to maintain and furnish to the proprietor accounts other than those provided for in the schedule appended to the said rules. The monigar collects rents, misappropriates and takes his own time to remit them. The karnam does not record in time the cultivation which is the basis of the beriz and does not afford facilities to the estate officers for azmaish and over-azmaish. The karnam has thus opportunities to conceal cultivation and cause loss to the estate. He does not furnish accounts such as jamabandi accounts which are due for the last three years. The present situation is thus becoming intolerable and it is unfortunate that good administration is at the mercy of the village officers over whom the proprietor has no control."[4]

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[1] G.Os. No. 1051, P.H., dated 14th March 1940, page 93, and No. 2220, P.H., dated 29th May 1940, pages 15 and 74–75.

[2] G.O. No. 3893, L. & M., dated 24th September 1935, page 49, paragraph 61 (ii) of the Committee's Report.

[3] *Idem*, pages 48–49, paragraphs 60 and 61 (ii) of the Committee's Report.

[4] *Idem*, page 53, paragraph 68 of the Committee's Report.

This utterly unsatisfactory state of affairs seems to have continued year after year. In 1939, the Committee once more remarked: "The estate having no direct control over the village officers under the Prepprietary Estates Village Service Act, the karnams delay the preparation and submission of 'Amusham' baki-japitas . . . The karnams are so refractory that they do not care to send baki-japitas in time and demand of a taluk for a year is not determined within the close of that year and as such the collections too are correspondingly delayed. It is mainly owing to the peculiar nature of the land tenure, the difficulties in arriving at the years' demand and an unfaithful and incompetent village establishment the collection work has become rather an uphill task and there have been consequently heavy arrears."[1] A similar story is repeated by the Commissioner in 1941. He said: "The village officers, though they are paid by us, are not amenable to discipline and are also not loyal to us. The monigars collect money and misappropriate large sums with impunity. The criminal and civil courts are not coming to our rescue. There are instances where we failed to successfully prosecute monigars who had misappropriated our revenue collections and also instances where the civil courts did not give us any relief even when there was evidence that the monigar collected the land revenue and used it for his own purpose. It is impossible for a village officer under the control of the Government to misappropriate even a single pie for a single moment. The karnams are no better in regard to their work. It is difficult to enforce discipline among them. The village officers know our weakness. In the case of village officers who are also doing Government work, we have to go with complaints against them to Divisional Officers, who may or may not appreciate our points of view and give us necessary relief. The village officers, knowing fully our disability in this respect, do not pay sufficient heed to our orders and behests."[2]

In order to exercise effective control over the village officers the Committee suggested in 1942 a practicable solution. It pointed out that much of the remissness of the village officers was due to the inapplicability of the rules framed under Section 32 of Act II of 1896 to the Devasthanam estates. The Privy Council having in 1921 declared the inapplicability of the Act to the Kalahasti, Karvetnagar and Venkatagiri estates,[3] the Act could not naturally be made applicable to the Devasthanam estates which originally formed part of the Kalahasti and Karvetnagar estates. The Committee, however, suggested a way by which the rules framed under the Act could be made applicable to the Devasthanam estates. It stated that the Zamindar of Venkatagiri had entered into an agreement with the Government by which, by contributing a fixed sum of money every year towards the cost of the village establishment, he had secured the consent of the Government to

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1 G.O. No. 2220, P.H., dated 25th May 1940, page 72.
2 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943. C.F., page 149.
3 Judgment in G.O. No. 1922, Revenue, dated 25th August 1921.

the extension of the rules to his estate also. The same procedure, the Committee observed, might be followed in the case of the Devasthanam estates. The Devasthanam, it explained, could very well afford to pay to the Government a portion of the sum of Rs. 50,000 annually spent by the Devasthanam over the remuneration paid to the village officers.[1] The Government, however, did not consider the merits of this proposal at all, as they were then thinking of acquiring the estates and converting them into ryotwari.[2] The result is that the Devasthanam does not seem to possess even now a proper control over the village officers, who constitute the mainstay of the revenue collection.

Turning to the next cause of the unsatisfactory state of affairs, namely, the inefficiency of the taluk and huzur establishments, it is perhaps not to be expected that the Commissioner, who is himself the Chief Administrative Officer, would have mentioned anything serious reflecting on the huzur and taluk establishments. But it is worth noticing that one of the reasons for the Committee's proposal so early as 1933 to requisition the services of a Deputy Collector from the Government was that of placing the entire administration on a sound basis.[3] It is also worth noticing that in 1935 the Hindu Religious Endowments Board attributed the accumulation of arrears not only to the negligence of the village officers but also to the want of experienced subordinate revenue officials and felt that "the system of revenue collection necessarily requires the agency of a well-trained and experienced staff."[4] The Committee did, in fact, obtain the services of a Deputy Collector, but, as will be shown later, he was employed for too short a period to be of any real help in carrying out the necessary reforms.[5] Under the circumstances the Hindu Religious Endowments Board recommended that "the Committee should at least, till the entire revenue system of the estates of the Devasthanam is placed on a sound basis, borrow the services of some experienced and capable revenue inspectors and clerks and at least one tahsildar or deputy tahsildar actually working in Chittoor district and that, at the same time, the revenue officials of the Devasthanam, working in the estates should be sent in the taluks under the control of the Government for undergoing training and acquiring first-hand knowledge of the methods of revenue administration of the Government".[6] The Government, however, considered that what was really needed was the appointment of a junior Deputy Collector.[7] The Committee, therefore, again requested the Government to lend the services of a Deputy Collector,[8] but then, when he was about to be appointed, the

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1 G.O. No. 627, P.H., dated 19th February 1943, page 57.
2 G.O. No. 1383. Revenue (Confidential), dated 20th March 1943.
3 G.O. No. 3893, L. & M., dated 24th September 1935, page 50, paragraph 60(ii) of the Committee's Report.
4 *Idem*, page 7, paragraph 21 of the Board's Report.
5 *Idem*, page 50, paragraph 60 (ii) of the Committee's Report.
6 G.O. No. 3893, L. & M., dated 24th September 1935, page 7, paragraph 22 of the Board's Report.
7 G.O. No. 3992, L.S.G., dated 11th September 1936.
8 *Idem*.

new Commissioner of the Devasthanam succeeded in convincing the Committee that the much needed reforms could be effected by a reorganization of the existing staff of the Devasthanam and by strengthening it where necessary by the addition of a few hands.[1] The Committee accordingly withdrew its request and approved the proposal of the Commissioner.[2] And thereafter there is nothing to show that anything effective was done to give the required training to the Devasthanam officials. This was partly because the Committee supposed that once the record of rights was prepared and a proper system of settlement introduced with the help of Government agency, everything would become smooth and even.[3] But, as will be shown later, the record of rights itself, though undertaken, proved a failure owing to certain causes.

We now come to the last of the causes of the unsatisfactory conditions in the estates, namely, the complicated system of land tenure and settlement. Though this has been taken up last, this is undoubtedly the first in importance; this is, in fact, the fundamental cause of most of the evils prevailing in the estates. We shall explain it as also the various measures suggested or taken from time to time, in the way of reforms.

We have already seen in detail the complicated nature of the system of the land revenue in the portion of the estates acquired from the Karvetnagar Zamindar. Its defects are too obvious to need any comment. Where the demand was to be determined in accordance with the old rates recorded in dittam books, where it was high and where it depended on many uncertain factors, where payments were made by the most complicated mode of "Rokkadayam", where no jamabandi worth the name was or could be made, there could be no proper land revenue administration. Even in the portions of the estates acquired from the Kalahasti Zamindar, where a system of money rents prevailed, the demand was said to be considerably high and jamabandi and collections, most difficult operations. There is evidence to show that, on account of the high rates of rents, 30 to 50 per cent of the lands were left uncultivated by the ryots.[4]

The first reform attempted by the Committee to set matters right was in 1933. The committee thought that much improvement could be effected in the estates by getting the rents settled on some moderate principles through Government agency. This, it thought, could be first done in the Tiruttani and Kachinad taluks which had already been surveyed so far back as 1921–23 and accordingly requested the Government to lend the services of a Deputy Collector. The Committee's idea was that, if the measure succeeded, it could be extended to the other taluks as well. But, before the

1 G.O. No. 3992, L.S.G., dated 11th September 1936, pages 11–29.

2 *Idem* pages 30–32.

3 G.O. No. 3893, L & M., dated 24th September 1935, page 50, paragraph 60 (ii) of the Committee's Report.

4 G.O. No. 1603, P.H. (Confidential), dated 12th July 1943, page 7.

Deputy Collector could settle a few villages in the Tiruttani taluk, the Committee found that settlement by this method was not only very costly but also not binding upon the ryots unless they agreed to it. The Committee, upon these grounds, dispensed with his services and applied to the Government for settling the estates under Section 164 of the Estates Land Act of 1908.[1]

This attempt to get the estates settled under Section 164 of the Estates Land Act was the second important reform conceived by the Committee. As has been seen, Tiruttani and Kachinad taluks had already been surveyed, and here therefore the Government had to provide for the preparation of the record of rights and the introduction of the settlement. But in the rest of the taluks of the estates the Government had to provide also for the survey. The Committee applied for Government aid in 1934. It was, however, not till 1937 that the Government sanctioned those operations;[2] and it was not till April 1942 that the record of rights was completed in Tiruttani and Kachinad taluks.[3]

Meanwhile the Committee began to doubt the efficacy of this measure, firstly because it found that the ryots refused to accept the record of rights and clamoured for private settlements and secondly because it felt that the best and only way of solving all the difficulties was that of handing over the estates to the Government for management.[4] It is this that explains why the record of rights in the Tiruttani and Kachinad taluks was not immediately followed up by the settlement of rents in accordance with the provisions of the Estates Land Act and why the survey and record of rights in the remaining taluks were not taken up. Pending the decision of the Government to take over the Estates, the Committee fell back upon the old system of assessment and, where possible, upon private settlements under pressure from the ryots.

These private settlements, it must be remembered, were regarded as purely temporary, as purely interim arrangements, pending the final taking over of the estates by the Government and their conversion into ryotwari.[5] They were not made in the Tiruttani and Kachinad taluks, where a record of rights had already been prepared. They were made only in the Narayanavanam and Athimanjeri taluks.[6] They were not conducted either by a classification of soils or by any other recognized modes of assessment. Under them the rates of assessment differed from village to village and were generally higher than the ryotwari rates but not so exorbitant as the zamindari rates. One advantage of these settlements was that, under them, the assessment of each ryot was fixed in cash, irrespective of the number and kind of crops raised, and this made the collection

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1 G.O. No. 3893, L. & M., dated 24th September 1935, pages 47 and 50.
2 G.Os. No. 1472, P.H., dated 21st April 1938, page 39: No. 393, Revenue, dated 17th February 1937.
3 G.O. No. 1221, P.H., dated 7th June 1943, page 39.
4 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., page 57.
5 G.O. No. 1603, P.H. (Confidential), dated 12th July 1943, page 8.
6 G.O. No. 351, P.H., dated 5th February 1946, page 4.

less difficult. The other advantage was that it induced the ryots to cultivate the fallow lands which they were previously allowing to lie waste to the extent of 30 to 50 per cent of their holdings and this considerably helped in the "Grow More Food" campaign.[1]

We may now pass on to the third important reform contemplated by the Committee, a reform which excited so much of discussion and which was eventually delayed indefinitely, namely, the handing over of the estates to the Government for their conversion into ryotwari. The reasons, which prompted the Committee to take this desperate step, may be summed up briefly as follows: The huge arrears accumulating year after year, the lean collections in several years which made the estates a drag on the general revenues of the Devasthanam, the antiquated and complicated system of tenures which could not be corrected under the management of Devasthanam, the heavy assessments which could not be lowered by the Devasthanam except at prohibitive cost and much labour and time, the incorrigible conduct of the karnams and other village officers, which admitted of no reform so long as they could not be effectually controlled and punished by the Devasthanam, the inevitable loss of revenue to the Devasthanam from the under-tenure holders who were entitled to pay only a fraction of their income as jodi and last, but by no means least, the refractory conduct of the ryots who agitated for all sorts of concessions, concealed cultivation, colluded with the village officers, refused to pay rents, carried on no-tax campaigns, accumulated arrears and drove the Devasthanam to unprofitable litigation costing to the tune of nearly Rs. 50,000 every year.[2]

The urgency of this reform appears to have been driven home to the Committee by the severe warning administered by the Government early in 1940 that, if the Committee and the Commissioner failed to take prompt measures to deal with the problem of huge recurring arrears, they would be considered incompetent and replaced by a new set of men.[3] The Committee knew full well that the evil of arrears was bound up with a host of other evils inherent in the Devasthanam's management of the estates and that as such, unless these other evils were eradicated, which was an impossible task for the Devasthanam, arrears could not be brought down to any reasonable figure. However that may be, in May 1940, the Committee passed a resolution requesting the Government to take over the estates and to convert them into ryotwari, and to settle a fixed allowance on the Devasthanam.[4] The Government saw that the proposal was in the interests of both the ryots and the Devasthanam and therefore agreed to it. Then began a series of consultations between the Government and the Board of Revenue on the one hand and the Government and the Government

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1 G.O. No. 1603, P.H. (Confidential), dated 12th July 1943, pages 1–9.

2 Previous paragraphs of this note and also pages 147 to 151 of G.O. No. 1383, Revenue (Confidential), dated 20th March 1943.

3 Page 159 of this note.

4 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., page 57.

of India on the other. We need not concern ourselves with the minor schemes or issues considered but we cannot afford to ignore the major schemes or issues.

The first scheme considered was whether, pending the introduction of the ryotwari settlement, the Government might manage the estates under the zamindari system. The Board of Revenue was emphatically against this. Under such an administration, it remarked, the Government would be handicapped by all the statutory restrictions contained in the Estates Land Act. "Arrears of rent," it said, "can be collected only in the manner laid down in that Act and litigation between the estate and the ryots would continue. From the point of view of the Government the administration of the villages as zamindari would be neither convenient nor efficient. That the Government are intending to take over these villages and convert them to ryotwari has already been published by the newspapers and this fact would undoubtedly make the collection of rents in these villages in future much more difficult than it has been. In fairness to the Devasthânam and in the interests of the ryots themselves the Board would urge that the Government should take over the villages as soon as necessary legislation has been passed and that they should administer the villages as ryotwari, right from the beginning."[1] Pending the introduction of the ryotwari settlements, the Board of Revenue thought that the Government "would be free in fact as well as in law, to levy assessments in their discretion."[2]

The second scheme suggested in deference to the sentiments of a large body of worshippers was whether the Deity could not remain the nominal proprietor of the estates and, at the same time, the *de facto* control of them placed in the hands of the Collector and his staff, all power of interference being withdrawn from the Devasthanam officials. Sir Gerald Priestley, who suggested this, himself felt "some possible constitutional difficulty here on the score of the Collector acting for Government administering the estates of a Deity who holds the estates from Government."[3] But it must be stated that the position could not be considered to have been in any way different from the position of the Court of Wards managing the estates of a minor or an incapacitated zamindar.

The third scheme discussed was whether the estates could not be placed under the Court of Wards. This suggestion emanated, as will be seen, in the later stages, from the Government of India. But it may be dealt with here where we are considering the various methods of managements proposed. It is obvious that the Board of Revenue could not be expected to favour this proposal, seeing that the position envisaged by this scheme was none other than the zamindari management of the estates, a position, which, as has

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[1] G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., page 96, paragraph 8.

[2] *Idem.*

[3] *Idem*, C.F., page 142.

been shown, the Board deprecated. Moreover, the Board felt that it was not possible to effect this arrangement without bringing in fresh legislation amending both the Tirumalai-Tirupati Devasthanam Act and the Court of Wards Act.

This is what the Board said: "The Board doubts whether the Committee is competent to hand over the management of the villages even for a limited period to the Court of Wards. Under Sections 5 and 17 of the Tirumalai-Tirupati Devasthanams Act the Committee *shall* manage the properties of the Devasthanam. The Act contains no provision enabling the committee to divest itself of any of its powers or duties in regard to the management of the Devasthanam properties. The Tirumalai-Tirupati Devasthanams Act is a self-contained special enactment for the management of the properties belonging to the Devasthanams. Under Section 41 of the Act even the Committee has only limited powers of alienation. The Court of Wards, on the other hand, has wide discretionary powers and a provision like Section 35 of the Court of Wards Act can hardly be reconciled with the Section 41 of the Tirumalai-Tirupati Devasthanams Act. The District Collector and even the Revenue Divisional Officer have certain powers under the Court of Wards Act, but these officers have no place under the scheme embodied in the Tirumalai-Tirupati Devasthanams Act. Again, under the latter Act, the Commissioner has certain statutory powers. If the Court of Wards steps in, these would be taken away and he would have to become an agent of the Court of Wards and his powers regulated by the provisions of the Court of Wards Act. Again, in view of Section 41 of the Tirumalai-Tirupati Devasthanams Act it is difficult to contend that the Committee is a proprietor of the Devasthanam villages competent to file an application under Section 18 of the Court of Wards Act. The Board therefore considers that under the existing law the management of the Tirumalai-Tirupati Devasthanam estates cannot be transferred to the Court of Wards. Even if the Government were to take over the management of these villages under the Tirumalai-Tirupati Devasthanams Act, it will have to be as a lessee under the Committee. The Court of Wards Act does not contemplate the Court of Wards functioning merely as a lessee under the proprietor."[1]

All this is quite true; but all these arguments hold good only if the proposal were to place the estates under the Court of Wards without resorting to special legislation. But, if the proposal is to bring in fresh legislation for placing the estate under the Court of Wards, there is nothing to prevent the Government from suitably altering the character of both the Tirumalai-Tirupati Devasthanams Act and the Court of Wards Act so as to achieve the end in view. Again, it must be remembered that fresh legislation is in any case necessary not only to place the estates under the Court of Wards but also to acquire the estates and to

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[1]G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., pages 199–200.

convert them into ryotwari; for the Tirumalai-Tirupati Devasthanams Act does not provide for the handing over of the estates to the Government and their conversion into ryotwari. Nor does the Estates Land Act, which applies equally to the Devasthanam estates as to the other estates, provide for the change of zamindari into ryotwari tenure. The repeal of that Act also is necessary to acquire the estates and convert them into ryotwari tenure.

We thus come to the fourth and last scheme which satisfied both the Board of Revenue and the Government, and that is, the acquisition of the Devasthanam estates and their conversion into ryotwari. Both felt that this was the best and only course which was bound to benefit both the Devasthanam and the ryots. It must, however, be pointed out that neither the Board nor the Government were for acquiring the estates outright by capitalizing their value and compensating the Devasthanam. Their idea was not so much to acquire the estates in the strict sense of that term, but to place them under the direct management of Government Revenue officials, to convert them into ryotwari and to pay every year an allowance, out of the net surplus revenue, to the Devasthanam.

Their idea was also to leave out the under-tenure villages of the estates from the scope of the scheme. They felt that the inclusion of these villages into the scheme, however desirable from the point of view of the welfare of the ryots, was likely to complicate matters and to "constitute a precedent that would be likely to bind the Government in regard to their dealings with all the other zamindaris and inam villages in the Province." The problem also appeared to them exceedingly difficult. It appeared to them thus: "In the case of inam villages . . . there is a maze of interests intervening between the ryot and the Devasthanam inamdars, alienees, mortgagees and lessees, deriving their rights from the inamdars. The interests are so complicated and the persons interested are so numerous that it would be no easy task to consult them and to ascertain their attitude in regard to the acquisition by the Government of all their interests in these villages." The inclusion of the inam villages into the scheme, they thought, also demanded the inclusion of special provisions into the legislation for apportionment by a Tribunal of the compensation between the persons interested in the melvaram of these villages. For all these reasons they decided to leave the under-tenure villages alone.[1]

Now the legislation for effecting the scheme, though *intra vires* of the Provincial Legislature and consequently of His Excellency the Governor, required the ultimate sanction of the Governor-General and His Majesty's Government in accordance with paragraph XVII (*d*) of the Instrument of Instructions to the Governor and paragraph XIII (*d*) of Instrument of Instructions to the Governor-General.[2] Therefore it was that the Government

[1] G.O. No. 1383, Revenue (Confidential), dated 20th March 1943. C.F. pages, 94–95.

[2] *Idem.* C.F., page 135.

considered it advisable to ascertain in advance the views of the Governor-General on the proposed legislation. They accordingly addressed the Government of India urging the need for legislation and describing its scope and nature, as explained in the following paragraphs :—

"The zamindari system has for many years been attacked by political parties and organizations claiming to represent the tenants under this system. The privileges and the prestige attached to the position of zamindar have, however, so far been such that suggestions for abandoning that system have seldom or never been received from this class of proprietors. Conditions now are such and the signs of the time are so clear that, where sentiment or family pride are not involved, the proprietors are coming to realize that the zamindari system is as burdensome and difficult to work for the proprietor as the tenants claim it is for themselves."[1] It is for these reasons that the Tirumalai-Tirupati Devasthanam Committee has proposed that the Davasthanam estates might be acquired by the Government and converted into ryotwari. "The Government consider that it will be in the interest of the ryots and the Devasthanam itself that the villages should be taken over by the Government but they propose that for the present only the 178 villages in the Chingleput district and 376 villages in the Chittoor district should be taken over (i.e., excluding the under-tenure villages)."[2]

The terms proposed are explained thus :

(i) *Payment of compensation.*—The surplus revenue that will accrue to the Government, after the estates have been taken over, will be divided between the Devasthanam and the Government in the proportion of two-thirds and one-third. This surplus revenue will be arrived at after deducting the items given below from the total revenues derived from the estates :

(*a*) the ordinary additional costs of administration, such as establishment charges,

(*b*) interest on cost of survey and settlement, of compensation for the acquisition of private rights and cost of new buildings,

(*c*) cost of maintenance of irrigation sources, and

(*d*) adjustment to the Government of an amount equivalent to present peshkash.

A provision will also be made in the Bill stating that the Government would be prepared to consider, after five years of administration of estates as ryotwari, the possibility of substituting a fixed annual payment for a share in the annual surplus.

(ii) *Arrears of rent.*—It is proposed to provide that only the arrears of two faslis immediately preceding the transfer should be

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1 G.O. No. 1333, Revenue (Confidential), dated 20th March 1943, C.F., page 127.
2 *Idem.* CF., page 130.

collected by the Government, the collection being made under the Revenue Recovery Act, 1864. The recovery under the Act would be at the ryotwari rates only and ryots will be given credit for any amounts that may have been collected in excess by the Committee before the Government took over the estates.

(iii) *Sale-proceeds of bought-in and vacant lands.*—The proceeds of the sales of these lands would be credited to the Devasthanam less a deduction of 5 per cent for collection charges. This arrangement would hold good until a fixed annual payment is settled when the Government would take full credit for the sale-proceeds.

(iv) *Introduction of ryotwari settlement.*—It is proposed to get this done by placing an Indian Civil Service Officer of requisite experience on special duty. He will determine occupancy rights and submit proposals for fixing the ryotwari rates of assessment. This will necessarily take time, and in the meanwhile it is proposed to levy assessments at a rate to be fixed beforehand on the recommendation of a special officer. These rates would be superseded on the introduction of the ryotwari system in full.

(v) *Settlement of other claims against the Devasthanam.*—The Settlement Officer referred to above will also make detailed enquiries in order to enable the Board and the Government to decide which private rights other than those relating merely to occupancy rights in the lands—such for instance as dasabandam right—should be recognized by the Government and which should be extinguished by acquisition on payment of compensation. For this purpose a notification would be published requiring that claims to such rights should be notified to the Settlement Officer before a specified date. The Settlement Officer would, as a result of his enquiries, submit a report to the Board which would obtain the orders of the Government. Compensation for rights which are acquired would be paid either in a lump sum or in the form of an annuity. An appeal would lie against the decisions communicated by the Settlement Officer to a Tribunal consisting of a senior District Judge belonging to the Indian Civil Service, a senior Subordinate Judge and a senior Deputy Collector who has had exprience of estates.

(vi) *Claims against Devasthanam after the transfer of the villages to the Government.*—As there are some 35 villages in the Chingleput district in which there are boundary disputes and about which there is a possibility of litigation, it is proposed that legislation should provide that, with effect from the date of transfer of the villages, the Devasthanam rights over all the villages shall lapse absolutely and that it will be entitled only to the compensation determined in the manner laid down in the Act. No claims decreed against the Devasthanam will be enforceable against the villages taken over by the Government or any lands in them other than those registered as ryotwari holdings in the name

of the Devasthanam but only against the compensation payable by the Government to the Devasthanam.

(vii) *Other effects of the settlement.*—It is proposed to provide that, with effect from the introduction of the ryotwari settlement, the Permanent Settlement Regulation, the Madras Estates Land Act and all other special laws applicable to proprietary villages in the Province shall cease to apply and all rights and obligations which might have arisen under any of these laws as between the Devasthanam and the ryots shall lapse and become unenforceable as against the Devasthanam and the Government. All rights of the Devasthanam against the villages would be fully transferred to and vest in the Crown. The villages will vest absolutely in the Crown subject only to the right of persons having occupancy rights and such other special rights as may be recognized by the Government but not acquired. The rights of the registered holders of lands in the villages would be no more and no less than of registered holders of ryotwari lands, in ryotwari villages of the Province. All poramboles, irrigation sources and waste lands would vest absolutely in the Crown free of all encumbrances[1].

These proposals were sent by the Government of India to such of the Provincial Governments as have permanently-settled areas under their control, with a view to ascertaining whether they were likely to produce any repercussions[2]. None of the Provincial Governments consulted—except the Government of Bengal—raised any serious objections to the measure. But both the Government of Bengal and the Government of India criticized the measure and discouraged it. The Government of Bengal remarked that, from what had been stated, it was clear that the estates were mismanaged But, the remedy proposed, that of taking them over and paying two-thirds of the annual surplus to the Devasthanam, did not, in their opinion, amount to either paying a fair compensation or effecting an actual transfer of proprietary right in them to the Crown. They could see no reason also for accepting a share of the surplus revenue for improved management. They were against altering the character of the Permanent Settlement by legislation and they suggested that the object aimed at can well be achieved by one of the three following ways :—

(1) Taking the estates under the Court of Wards.

(2) Entering into an agreement with the Devasthanam Committee by which the Government would be empowered to fix a new assessment and, after crediting the peshkash due from the estate, take a portion of the surplus revenue.

(3) Taking a ten-year lease of the villages in which the Devasthanam has proprietary rights and fixing the rent payable to

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1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., pages 131–134.

2 *Idem*, C.F., page 179.

the Committee which would include its share of the estimated surplus revenue[1].

The Government of India went further in criticizing the measure. They said that, of the Provincial Governments they had consulted, the Government of Bengal had strongly pronounced against it. That Government had felt that the proposed legislation would be a definite inroad into the Permanent Settlement Regulation—a circumstance which was likely to have undesirable repercussions "particularly in view of the recent discussions in both Houses of the Legislature on the Floud Commission's Report[2]." But even apart from this objection,the Government of India went on, there were other objections which appeared to them to be serious. First, the fact that the proposal had emanated from the Devasthanam Committee, which was a body constituted by the Government, was likely to evoke public criticism[3]. Secondly, if there was mismanagement on the part of the Committee or defect in the machinery set up by the Tirumalai-Tirupati Devasthanams Act, the proper course was to dispense with the Committee or to rectify the machinery by suitable alterations in the provisions of that Act[3]. Thirdly, if direct management was desired, the estates might be placed under the Court of Wards[4]. Fourthly, there was no justification for the Government for appropriating one-third of the annual surplus[5]. Fifthly, what the Devasthanam would derive under the scheme would only be a poor compensation comparing "unfavourably with the compensation . . . which would be payable under the Floud Commission's Scheme[5]." The Government of India wanted these objections to be considered and also remarked: "As regards the effects of the proposal on tenancy conditions, it will be recognized that caution is required in launching a scheme which is likely to be regarded as a pointer to the solution of problems in other permanently-settled areas not only in Madras Province but also elsewhere[6]."

But, these objections did not deter our Government from pursuing the scheme. The only important respect in which they modified it was by agreeing to part with the entire surplus revenue to the Devasthanam instead of the two-thirds of the revenue as was originally proposed. They got a Bill for the legislation prepared on the lines already indicated[7] and sent it up to the Government of India informing them that they had fully taken into account all aspects of the matter.

They said: "By putting through the proposal the Madras Government will not be raising for other Provinces a problem

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1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., pages 165-171.
2 *Idem*, C.F., page 179.
3 *Idem*, C.F., page 183.
4 *Idem*, C.F., pages 183–185.
5 *Idem*, C.F., page 185.
6 *Idem*, C.F., pages 185-187.
7 *Idem*, C.F., pages 267–301.

which is not already crying for a solution[1]." The proposal, they pointed out, could not be regarded so much as an 'inroad' into the Permanent Settlement Regulation, "but as a method by which at the request of the proprietor, the Permanent Settlement is to be cancelled and the proprietary right in the estates is to be restored to the Crown[2]." They stated that the suggestions of the Government of Bengal could not be carried out. The estates could not be taken under the Court of Wards for the reasons already indicated. Nor could they be managed under an agreement or taken on lease with any hope of improvement, for in neither case could the Government have any powers except those conferred by the Estates Land Act on the zamindars, powers which had proved quite inadequate to refix rents or to alter the conditions in the estates for the better[3]. The objections of the Government of India, they went on, were also not very sound. First, there could be no impropriety in initiating action at the instance of the Committee if it is remembered that, though the Committee is a body appointed by the Government, it had clearly-defined statutory powers and duties and that the Government could not dictate to it in any way[4]. Secondly, the possibility of improving the existing administration without recourse to legislation held out little hope in view of the existing conditions in the estates which loudly called for radical legislation. "What is radically wrong", they observed, "is not to be found in the personnel of the Committee or the Commissioner, but in the general breakdown of the zamindari system and in the procedure laid down in the Estates Land Act."[5] Thirdly, the possibility of management by the Court of Wards was impossible without altering the character of both the Tirumalai-Tirupati Devasthanams Act and the Court of Wards Act.[6] Fourthly, it was not unreasonable to appropriate a share of the profits, but, as the institution was a religious one, it had, however, been finally resolved to hand over the entire surplus revenue to the Devasthanam[7]. Fifthly, the compensation provided under the scheme to the Devasthanam could not be said to be inadequate and the Floud Commission scheme of paying compensation with reference to the existing rents "cannot be accepted as sound for application for proprietary areas in this Province."[8] And the Government wound up the letter saying: "It is indisputable that the proposal would prove beneficial to the Devasthanam. As already mentioned, it is necessary to consider not only the immediate future but also the probable future which threatens estates in general in this Province. As against the present annual deficit, the Devasthanam would, under

1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., page 247.
2 *Idem*, C.F., page 248.
3 *Idem*, C.F., pages 248–249.
4 *Idem*, C.F., page 255–256.
5 *Idem*, C.F., pages 257–258.
6 *Idem*, C.F., pages 258–260.
7 *Idem*, C.F., pages 260–261.
8 *Idem*, C.F., pages 261–265.

the Government proposal, get a substantial annuity from the Government[1]."

This was what the Government wrote to the Government to India in February 1943. The Government also at the same time asked the Board of Revenue to report on certain detailed provisions of the Bill[2]. But thereafter we do not hear anything about the scheme. It is strange that in the papers of recent years relating to the Tirumalai-Tirupati Devasthanam sent to this office there is neither the reply of the Government of India, nor the report of the Board of Revenue, nor even an indication as to what happened to this important proposal. Presumably it was thereafter clubbed with the general policy of acquisition of estates or dropped on account of the opposition of the Government of India.

Whatever that may be, this much is amply clear. The Devasthanam estates are still administered unsatisfactorily. The accumulation of huge arrears at the end of every year—on an average over 20 lakhs of rupees—is but the symptom of a serious malady which appears to call for a drastic operation. An antiquated system of tenures and settlement, high assessments, an intractable tenantry coupled with an inefficient taluk and huzur machinery and a dishonest village establishment,—all these proved too difficult problems for the Committee to tackle and to evolve order out of chaos. Every attempt the Committee made, we have seen, ended in a complete failure. It secured the services of a Deputy Collector to settle rents and to reorganize the taluk and huzur offices, but it very soon had to dispense with his services having found that the rents so settled by him were not binding on the ryots. It approached the Government to get a record of rights prepared and to introduce a settlement based upon them, but it very soon found that this was not only very costly but also very unwelcome to the ryots. It complained of lack of adequate powers to control the karnams and to recover arrears and asked the Government to extend the provisions of the rules framed under the Proprietary Village Service Act to the Devasthanam estates and to empower the Devasthanam to recover arrears under the Revenue Recovery Act. The Government never considered these proposals seriously and the committee too never pressed for them, being convinced within a short time that the only solution was to request the Government to acquire the estates and convert them into ryotwari and to settle an annual allowance on the Devasthanam.

There is nothing to inspire any hope that what successive Committees and Commissioners have failed to achieve can be achieved by any future Committee or Commissioner. Indeed, the Board of Revenue and the Government have confessed that no improvement can be effected in the administration of these estates so long as they are governed by the Estates Land Act. They have confessed that under this Act it is impossible to refix rents or to recover

1 G.O. No. 1383, Revenue (Confidential), dated 20th March 1943, C.F., page 265.
2 *Idem*, C.F., page 302.

arrears. They have therefore considered that no useful purpose can be served by putting these estates under the Court of Wards. In fact, no temporary expedient like this would solve the problem once for all. For, even if the Court of Wards succeeds in improving affairs, there is no guarantee that the affairs would not fall into confusion again the moment the Court of Wards relinquishes its management. In these circumstances the only lasting remedy would seem to be the acquisition of the estates by the Government and their conversion into ryotwari. It is, however, doubtful whether the method of acquisition proposed in 1943 would meet with the approval of the Government of India and His Majesty's Government, seeing that the compensation proposed under that method was considered quite inadequate by the Government of India for the purpose of Section 299 of the Government of India Act of 1935. In this connection attention is invited to the notes in which the question of compensation as well as the various methods of acquisition of estates and their conversion into ryotwari, have been fully discussed.[1]

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1 Pages 46 to 108 of the note on "Acquisition of Estates and their conversion into ryotwari."

THE GOVERNMENT MUSEUM, MADRAS.

[Written in 1946. It provides a historical background to some of the main recommendations of the Museum Committee of 1945 and criticises these recommendations in the light of the discussions that have gone before.]

A Committee appointed in 1945 to suggest improvements to the Museum has made a string of recommendations the implications of which cannot be understood without some knowledge of the history of the matters to which the recommendations relate. An attempt has, therefore, been made here to deal with some of these important matters, to show the recommendations in their historic setting and to point out which of them appears to be proper and which not.

One of the recommendations made is that a new Block (Block B) should be built for housing the pre-historic and anthropological collections, coins, etc[1]. Now, the Museum has been from its very infancy suffering from the malady of chronic congestion, and the several attempts that have till now been made to cure it have proved only partial remedies. When the scheme for the organization of the Museum was sanctioned in 1851, it was located in the College inside Fort St. George[2], but within a couple of years the exhibits increased to such an extent that it had to be removed from the College to the Pantheon in Egmore[3]. The Pantheon at this time seems to have consisted of a single storied building with two halls, one behind the other, and with a verandah at the north-west corner of the inner hall. In 1859 this verandah was converted into an office room and an old shed situated in the grounds was converted into a small library and a reading room[4]. In 1862, an upper storey was raised over the whole main building [5]; in 1865 a gallery with iron posts was ordered to be erected in the large hall.[6] In 1868, the library room was pulled down[7] and in 1875 a back wing was constructed running from the north-west corner of the main building and parallel to the central back wing, consisting of a reading room, a library and a lecture hall capable of accommodating more than 100 persons[8]. This appears to be the wing which housed the Oriental Manuscripts Library until it was shifted to the new University buildings on the beach. In 1882, a light gallery was erected to accommodate specimens of mammals and birds[9]. In 1895, two large blocks of buildings were constructed,

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1 Current File, page 25.
2 Report on the Government Central Museum, page 1 of Report for second half-year 1854.
3 *Idem*
4 G.O. No. 1210, Public, dated 5th August 1859.
5 G.Os. No. 484, Public, dated 31st March 1860; No. 1480, Public, dated 22nd October 1862.
6 G.O. No. 1259, Public, dated 7th December 1865.
7 G.O. No. 2273, Public Works, dated 17th July 1868.
8 G O. No. 683, Public, dated 28th June 1873.
9 G.O. No. 2378, Public Works, dated 14th September 1882.

one for the Victoria Technical Institute and the other for the Connemara Free Library; and as the Victoria Technical Institute was soon found incapable of carrying out its aims, its block was placed permanently at the disposal of the Superintendent of the Museum to enable him to arrange part of the exhibits in this new building and thereby relieve congestion in the old building.[1] The three buildings were then designated as the Museum old building, the Museum new building and the Connemara Public Library.[2] In this new building the exhibits were arranged as follows: (1) central hall on the ground floor—anthropological laboratory, (2) western room on the ground floor—ethnological collections from cairns, cromlechs, pre-historic graves, etc., (3) large front room on the upper storey—art collection of metal ware, wood carving and jewellery, (4) eastern room on the upper storey—arms and armoury of Tanjore, (5) western room on the upper storey—art, fabrics and illustrations of design and (6) back room on the upper storey—new collections of ethnology and anthropology.[3] The space liberated in the old building was then utilized for the economic and industrial series which had long been waiting for a suitable place of exhibition, and for the Oriental Manuscripts Library; and the books of the Museum were transferred to the Connemara Public Library.[3] In 1904, an annexe was added to the north-west corner of the new building, adjoining the pre-historic gallery, to house the new pre-historic collections unearthed at Adichanallur in Tirunelveli.[4] In 1905, a room was built over this annexe to house the pre-historic antiquities purchased from Mr. Bruce Foote.[5] In 1917, an extension to this annexe consisting of two rooms, one above the other, was made; the room on the ground floor to house the Tanjore Arms and the arms obtained from the Madras Arsenal, and the room on the top floor to house the ethnological collections.[6] Meanwhile, in 1913 some extensions were made to the sculpture gallery situated on the ground floor and the economic gallery situated on the top floor of the old building; [7] and in 1918 one more extension to the south side of the old building was made to house the zoological exhibits.[8]

All these constructions and additions are mostly of antiquarian interest. But they show how the malady of congestion persisted throughout and was only spasmodically treated now and then whenever it showed symptoms of acuteness. From 1929, however, some bold suggestions have been made to tackle it seriously and it,

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1 G.Os. No 1264, Public Works, dated 2nd May 1890; No. 3239, Public Works, dated 6th December 1890, No. 818, Public Works, dated 28th March 1894; No. 597, Public, dated 6th August 1894; No. 916, Education, dated 4th December 1895.

2 G.O. No. 916, Education, dated 4th December 1895.

3 *Idem.*

4 G.O. No. 683, Public Works, dated 29th February 1904.

5 G.O. No. 2106, Public Works, dated 10th November 1906.

6 G.O. No. 1301, Public Works, dated 16th October 1917.

7 G.Os. No. 562, Education, dated 25th July 1908; No. 604, Education, dated 30th August 1911; No. 2014, Public Works, dated 24th December 1912; No. 1687, Education, dated 23rd August 1913.

8 G.O. No. 1043, Public Works, dated 4th August 1918.

therefore, behoves us to look into them rather closely. In 1929, the Superintendent of the Museum submitted proposals for constructing two large blocks, A and B, at a cost of Rs. 1,43,000.[1] Block A was to be constructed at the site of the Oriental Manuscripts Library after demolishing that building and was to consist of two floors, the ground floor for the Archæological section to house the Buddhist sculptures and the first floor, for office purposes.[2] Block B was to be constructed first to house the Oriental Manuscripts Library, before it could be transferred to the new University Library buildings on the beach, and then to house permanently the ethnological collections on the upper floor and the pre-historic antiquities on the ground floor.[3] These proposals were accepted and the work was ordered to be immediately commenced;[4] but, before it was actually begun, the Superintendent submitted a revised estimate for the works amounting to Rs. 3,17,000, i.e., more than twice the original estimate.[5] The increase in the revised estimate, he explained, was due to the desirability of harmonising the new buildings with the existing ones.[6] But, before this new estimate could be considered, the withering blasts of financial stringency began to set in and accordingly the whole scheme was postponed for the future.[7]

In 1933, when the prospects became somewhat better, this scheme was taken up for reconsideration. But then it was very much altered. On the advice of the Consulting Architect it was proposed to build two Blocks A and B, separate from the main building but connected to it. The new blocks were to have a single entrance and were to be built as galleries instead of rooms as this form was " more convenient, flexible and economical for the arrangement of exhibits." This plan, it was said, would obviate the demolition of the Oriental Manuscripts Library building, afford a connexion between the anthropological and allied archæological collections in metal in the new building with the archæological collections of stone in the old buildings, economise space as it admitted of a single entrance to both the buildings and bring the entrance to the Museum close to the Museum office and keep the entrance to the Connemara Public Library separate—all these very desirable improvements indeed.[8] But this scheme also had to be postponed for want of funds from year to year. It was only in 1939 that Block A was finally constructed on the plan suggested in 1933.[9] Block B has not yet been constructed and it is this Block, according to the 1933 plan, which the Committee says should be constructed now.[10] The Superintendent, however,

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1 G.O. No. 346, Public Works, dated 6th February 1929.
2 *Idem*, pages 1–2.
3 G.O. No. 346, Public Works, dated 6th February 1929, pages 2–3 and 7.
4 *Idem*, page 15.
5 G.O. No. 2137, Law (Education), dated 16th October 1930.
6 *Idem*, page 9.
7 *Idem*.
8 G.O. No. 290, Education, dated 23rd February 1933.
9 G.O. 1180, Education, dated 27th June 1940.
10 Current File, page 25.

refers to the Block B of the plan contemplated in 1929. It is not possible to say why he has ignored the plan of 1933. But, since Block A has already been built according to the plan of 1933, it appears to be desirable to build Block B also according to the same plan. The Committee has also recommended the construction of a number of godowns for housing reserve and duplicate collections. The demand for godown space may be said to have been always as great as the demand for gallery space. In 1911, Dr. Vogel said: "Another desideratum is the godown, some 60 by 30 feet for the storage of archæological specimens which are not of sufficient interest to be exhibited in the public galleries and yet ought to be preserved in such a way as to be accessible to students of archæology. As such a building is purely utilitarian, it should be as simple as possible. It should, however, be well lighted . . . I strongly recommend that the construction of a godown be taken in hand first of all."[1] In 1912, a temporary shed was put up for housing archæological objects[2] and this was rebuilt in a substantial manner in 1937.[3] The present Committee has not suggested the construction of separate godowns in the Museum grounds but has recommended the conversion of the space between two of the existing blocks of the old buildings and the space adjacent to some other blocks into godowns. It has proposed that these godowns should be low terraced structures, so that they might not obstruct the windows of the galleries. It is not known whether there will be any objection to the construction of such godowns from the architectural point of view. It is, however, certain that from the point of view of light and ventilation these godowns will be very defective. It is, of course, possible to make arrangements for providing artificial lighting and ventilation, but apart from the cost of such arrangements, the students of archæology and others who wish to study the objects stored in these godowns may not find these arrangements very satisfactory.

Some important recommendations of the Committee relate to what are known as the Amaravati Sculptures. These Buddhist sculptures are so beautiful, so fragile and so famous[4] that they have, as may be expected, led to a great deal of controversy over their arrangement and mode of exhibition. The credit for their discovery belongs to Colonel Mackenzie, the Surveyor-General and the well-known Oriental scholar and antiquary. They were discovered by him in 1801 in a trench 10 feet wide and 12 feet deep near the village of Amareswaram or Amaravati, on the banks of the Kistna, 45 miles west of Bezwada. He made some excavations on the the spot and in 1815 published an account of his proceedings.[5] In 1830, Mr. Robertson, the Collector of Masulipatam, founded a

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1 G.O. No 604, Education, dated 30th August 1911, pages 4–5.
2 G.O. No. 453, Public Works, dated 23rd March 1912.
3 G.O. No. 1932, Public Works, dated 24th September 1937.
4 G.O. No. 1160, Public, dated 5th June 1886 · Report on the Government Central Museum, 1853, page 192.
5 Report of the Government Central Museum, 1853, page 194.

pettah near Masulipatam which still bears his name and, in order to beautify it, brought some of the sculptures from Amaravati and kept them in its market place.[1] These must have been sculptures excavated by Colonel Mackenize. They attracted the attention of the Governor who immediately ordered their removal to a safer place and, as a result of this, some of them appear to have been removed to the house of Mr. Alexander, the Master Attendant of the port of Masulipatam.[2] In 1865, Sir Walter Elliot, an eminent Madras Civilian, who was very much interested in archæology, visited Amaravati, excavated a few sculptures and sent them to Madras for eventually transmitting them to the Court of Directors.[3] These exhibits, however, lay in the Fort at Madras in a neglected condition for some years, until in 1853 they were taken care of and reported upon by Dr. Taylor, the famous Oriental scholar.[4] In 1859 they were despatched to England[5] and here, again they were neglected for some years[6] until they were removed to the British Museum.[7] In 1877, on the initiative of Dr. Biddie, the Superintendent of the Government Museum, the exhibits lying in Mr. Alexander's house were purchased by the Government and, along with some other Amaravati exhibits lying in the Bezwada Museum, were transferred to the Museum at Madras.[8] About these exhibits, Dr. Biddie observed: "The slabs received consist of two or three kinds of marble, one being fine and uniformly close grained and of a very pale grey colour, another of coarser grain, unequal quality and darker colour, and a third of a somewhat slate-like structure. All the finer and more elaborate carvings are executed in the first-named stone. It is very durable, but has got highly brittle from age, so that contact with iron or even hard wood causes it to chip, rendering it necessary to exercise great care in handling the slabs. The second kind is not so brittle, but being of unequal quality, the softer parts have got worn down, giving the surface an aged, granulated appearance. The third or slate-like stone appears to be very durable and the slabs executed in it are those which Fergusson speaks of as having belonged to the lower frieze of the outer rail."[9]

About the same time, at the instance of Mr. Robert Sewell, the Head Assistant Collector of Kistna (1877), and the Governor, the Duke of Buckingham (1880), further excavations were conducted at Amaravati and a number of beautiful sculptures were unearthed and ordered to be removed to Madras to be added to the Museum.[10]

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1 Report of the Government Central Museum, 1853, page 195.
2 G.O. No. 301, Public, dated 4th March 1879.
3 Report of the Government Central Museum, 1853, page 220.
4 Report of the Government Central Museum, 1853, pages 191–284.
5 G.O. No. 301, Public, dated 4th March 1879.
6 *Idem.*
7 Dictionary of National Biography, Volume VI, page 682.
8 G.Os. No. 301, Public, dated 4th March 1879: No. 183, Public, dated 22nd March 1882.
9 G.O. No. 473, Public, dated 30th June 1882, page 1.
10 G.Os. Nos. 259–60, Public, dated 24th February 1879; No. 45, Public, dated 12th January 1882; No. 153, Public, dated 16th February 1882.

Then arose a long and bitter controversy on the question as to whether the exhibits should be conserved at Amaravati itself or at Madras ; and this controversy was followed by another, much more bitter, on the question as to how these exhibits should be arranged and exhibited. Major Cole, the Curator of Ancient Manuscripts, held that the sculptures should on no account be removed to Madras, firstly because the Museum had no place to exhibit them, secondly because the atmospheric condition of the city was likely to affect them and thirdly because it was advisable to preserve their original structure at the spot in Amaravati itself.[1] Dr. Burgess, the Archæological Surveyor, ridiculed this view observing that it was absurd to think of conserving the structure in its original shape, a structure which did not, in fact, exist at all, which had been repeatedly excavated in parts and taken away or disarranged in such a manner as to make it impossible to reconstruct the original shape.[2] General Cunningham, the Director-General of Archæological Survey, said that, although he agreed with Major Cole in the propriety of conserving the ancient monuments at the spot where they exist, since so many marbles had already been removed from Amaravati, it would be better to remove all the rest also to the Museum. He also suggested that in the Museum " a certain number of pillars might be set up with thin bars and copings complete sufficient to show what the building actually was in its original state."[3] Upon this the Government finally ordered the sculptures to be removed to the Museum.[4]

Immediately after this Dr. Burgess stressed the extreme care needed in handling the sculptures and arranging them. He was afraid, he said, that the salt in the atmosphere in Madras might act deleteriously on the surface of the marbles turning them first to a dead white and ultimately causing the surface to become granular and scab off ; and that this could be prevented only by enclosing them in air-tight glazed cases as had been done to the similar structures in the British Museum.[5] Dr. Biddie, however, thought otherwise. He suggested that the structures might be simply arranged openly in one of the halls. He did not think that they should be encased in glass. He observed : " So far as can be judged from the specimens which have been exposed in the Museum for a quarter of a century, the air of Madras has no appreciable prejudicial effect on the denser sort of marble on which most of the Amaravati sculptures are executed. It is the carbonised air plus moisture that is so destructive to many marbles in cities like London. Fortunately we have no smoke nuisance or noxious chemical vapours in Madras and as regards the salt air the Museum is quite two miles away from the sea and the wind, before it reaches Egmore, is filtered through masses of foliage . . . . . As a matter of fact

1 G.Os. Nos. 1151–52, Public, dated 12th June 1883, pages 1–4.
2 *Idem*, page 5.
3 *Idem*, page 7.
4 *Idem*.
5 G.O. No. 843, Public, dated 28th April 1884.

the air in the neighbourhood of the Museum is very pure." He attributed the bleaching and decay of the surface of the marbles to the destructive action of the carbon, moisture and air to which the marbles were subject when they were buried in the ruins of Amaravati and considered that the destructive process could not advance when the marbles were housed in a dry room. If, however, the dreaded thing were to occur, and this might be watched, the marbles might then, he said, be protected with glass or some preservative.[1] The Government agreed with Dr. Biddie and the sculptures were accordingly installed in a hall in the Museum.

But very soon Dr. Burgess, who had by now become the Director-General of Archælogical Survey of India, severely criticised and condemned this arrangement. This violent outburst is better described in his own language. He exploded: "The sculptures have not only been 'fixed up' in the most unsatisfactory disarrangement, but have been embedded deep in masses of Portland cement out of which they can never be extracted. This strong coarse cement is laid over and hides every part of the slabs except the mere sculptured surfaces. Thus the pillar slabs of the outer rail had lenticular mortices in their edges to receive the tenons on the ends of the rail discs and it was a matter of the utmost importance in any arrangements of these slabs to leave these mortices visible with the tenons of the rails inserted, so that it might be seen at a glance how this remarkable railing was constructed, how closely the discs adjoined to the pillars and what spaces were left between the discs. What has been done is to set up some of the rail pillars, embed them in a casing of cement and by their sides—but far too far off to reach the sockets—a set of discs to cover these up—even the flanges and tenons which made their place and use intelligible—in a thick smooth wall of cement. Anything more barbarously stupid is hard to conceive . . . I need not detail a tenth of the barbarisms that have been perpetrated in the ill-advised arrangement of these once priceless sculptures. In the front row, an attempt has been made to group together a series of slabs from the central stupa of *early* style. The intention was good; but not having the slightest knowledge of style in sculpture, the arranger has placed among them a slab from the inner rail, of the very latest date in the whole series, and next to it again a slab which any eye might see is one of the *earliest* of all, long prior to the great railing. Then fragments of coping of special interest for their very early style have been built into the sides of a large trough across the floor—whether intended as a bath or a pitfall for those who carry their eyes too high, is not clear. In its sides fragments are built which ought to have been placed 5 or 6 feet high. But enough: I have seen many museums, but never one in which a valuable collection was arranged with so little knowledge and care nor so needlessly injured by casing in a cement that can never be removed. With a little plaster of Paris to repair breaks on the separate stones—

[1] G.O. No. 1525, Public, dated 8th July 1884.

chiefly tenons and sides of mortices—and a very little common sense, directed by competent knowledge, the collection might have been displayed to a great advantage and made most instructive. This is now impossible . . . Few museums have received so important a collection of sculpture; none has showed itself so unworthy of such wanton and ignorant abuses of such a trust."[1]

This fire-breathing attack was strongly resented by the Government,[2] but Dr. Biddie took it coolly. He explained: The original idea was to erect these marbles in the open space between the two back wings of the Museum buildings and to protect them by a glass roof but that this was found impracticable on architectural and other grounds. As the sculptures were liable to injury and of very little interest to the general public if simply deposited in an unconnected state, it was decided to set them up in a way that would give them an idea of their use and position and protect them from further injury. It was realized that no arrangement of so heterogeneous a collection could entirely defy criticism, but the pieces were with every care arranged in the best manner possible. The slabs were too heavy and brittle in the opinion of the Consulting Architect to be erected without filling up the interstices with cement. As to the chronological arrangement, the space that was available did not permit any such arrangement. After all, the value of the collection throughout does not, to the man of science, depend so much on the mode of its grouping, as on its sculptures and inscriptions, all of which have been most religiously preserved. The sculptures now arranged constitute a very attractive and instructive collection to 99 per cent of the Museum visitors and the archæological one per cent will, it is hoped, as a rule, appreciate the difficulties that had to be encountered and be grateful that it has got so much. In fact, scientific visitors from various parts of the world have already, not once but often, expressed their approval of the collection as it now stands. With these views the Government agreed.[3]

Soon after this, some further excavations at Amaravati were made, this time under the supervision of Dr. Alexander Rea, First Assistant of the Archæological Survey Department, and a number of fresh marbles were unearthed and added to the Museum (1891).[4] These were arranged in two pattern rails with two rows of rosettes measuring in the aggregate 45 feet (1892–93);[5] and a little later, in another portion of the rail 43 feet long and 15 feet high with three rows of rosettes and cornices (1894–95).[6] This work of reconstruction was done under the guidance of Dr. Rea himself

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1 G. O. No. 1160, Public, dated 5th June 1886, pages 1–2.
2 *Idem*, page 3.
3 *Idem*, pages 2–3.
4 G.Os. No. 308, Public, dated 3rd April 1889; No. 417, Public, dated 28th May 1891; No. 465, Public, dated 13th June 1891 and No. 524, Public, dated 30th June 1891.
5 G.Os. No. 1753, Public Works, dated 13th June 1892 and Nos. 478–478-A, Revenue, dated 6th June 1893.
6 G.Os. Nos. 414–414-A, Revenue, dated 2nd July 1895.

who, it is interesting to observe, did not object to the use of cement in the work.[1] But this work also came in for criticism. In 1911 Dr. Vogel, the officiating Director-General of Archæological Survey of India, remarked that a number sculptures "which would be considered an ornament to any archæological museum in England and on the Continent" were lying neglected face downwards on an earth bank in the Museum compound; and that inside the Museum most of the sculptures had been exhibited in a room and "a dark narrow passage." Again, "in exhibiting them an attempt has been made to re-construct the grand stupa railing to which most of the sculptures originally belonged. Such a restoration is, of course, extremely useful in making the connection between the different numbers at once understood, but from a scientific point of view it is only permissible if the original position of the various pieces is known. I doubt whether this was the case here, as the sculptures were not found *in situ*. Anyhow the present arrangement is objectionable for other more obvious reasons. The reconstructed railing intercepts the light and most of the sculpture are placed in such a way as to be inaccessible to the camera. The worst is that they have been fixed in cement and it will be no easy matter to re-arrange them."[2] Nothing came of this criticism. A little later, however, a question was raised as to whether some of the duplicates of the sculptures could be transferred to the Indian Museum, Calcutta, but it was finally decided that no such transfer should be made until a thoroughly representative collection had been arranged in the Madras Museum, and properly catalogued and labelled.[3]

It is perhaps strange that, in spite of the importance of these fine marbles, no attempt was made for a long time to prepare a catalogue of them. A short list was indeed prepared by Dr. Taylor in 1853 describing the marbles which were then in the Museum, but most of these marbles were subsequently transferred to England. For a large number of the marbles added later to the Museum there was no list till 1914 when, at the suggestion of the Superintendent, the Government ordered the employment of an expert to catalogue them.[4] There is, however, nothing to show whether this work has been completed or not.

In the light of all this let us see whether any of the proposals now made by the Committee, if carried out, are likely to give rise to criticism. Its first recommendation is that all the sculptures in the walls should be removed from their present setting (because of the presence of salts in most of them) and reassembled after chemical treatment, care being taken to arrange the sculptures according to periods. It has not indicated the extent of the damage already suffered by the sculptures, but there is evidence to show

1 G.O. No. 417, Public, dated 28th May 1891.
2 G.O. No. 604, Education, dated 30th August 1911, page 3.
3 *Idem*, page 9.
4 G.Os. Nos. 442–443, Education, dated 21st April 1914.

that they have developed " a brown colouration and white incrustation which mar their beauty and generally destroy them." The brown colouration is due to the presence of iron and its removal has been considered difficult; the white incrustation is due to calcium chloride and carbonates.[1] It is believed that, as the sculptures were for a long time buried underground, there are now salts in their pores, that these salts are coming out slowly and forming an incrustation, and that, at the same time, the salts in the walls in which the sculptures are firmly fixed are also gradually passing into them.[2] Experiments are stated to have been made by the Archæological Chemist of the Museum to find out the best means of treating the sculpture[3] and some of the sculptures are said to have been " treated with paper pulps to remove the salts from within the pores."[4] The Committee has not stated anything about the success or otherwise of these experiments; it has simply suggested that the marbles should be treated chemically.

Now, before the marbles can be treated chemically, they have to be removed from their present setting; and about this also the Committee has not stated whether such removal is possible at all. It will be remembered that Dr. Burgess lamented in 1885 that the marbles had been " needlessly injured by casing in a cement that can never be removed " and that Dr. Vogel stated that they had been " fixed in cement and it will be no easy matter to re-arrange them." As the marble is said to be very brittle, it is quite likely that the sculptures cannot be removed from the cement without damage. This point will have to be settled by experts.

Supposing the sculptures can be removed from the cement and treated chemically, it has next to be considered whether they ought to be reassembled, as suggested by the Committee, exposed to the atmosphere or whether they ought to be encased in air-tight glass cases as suggested by the Superintendent.[5] The Committee has said not a word about glass cases; but it will be recollected that Dr. Burgess and Dr. Biddie had a long controversy over this question, and that it was eventually decided to go in for glazing only if the sculptures actually showed in course of time any definite signs of deterioration by being exposed to the atmosphere. It is not known whether anything definite has been established about the atmospheric action on sculptures. Neither the Committee nor the Superintendent has thrown any light on this point. If, however, atmospheric action has been found deleterious to the sculptures, it will surely be necessary to encase them in glass.

As to the method of reassembling, the Committee has proposed (1) that the sculptures should be arranged according to periods, (2) that the rail should be realigned east to west to admit light falling on it, (3) that the rail and the base of the drum should be

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1 G. O. No. 1160, Education, dated 3rd July 1931, page 3.
2 G. O. No. 1727, Education, dated 30th July 1934, page 3.
3 G.O. No. 1766, Education, dated 2nd August 1939.
4 G.O. No. 852, Education, dated 2nd June 1941, page 6.
5 Current File, page 25.

re-arranged to make them look more like the original and (4) that the pit near the reconstructed rail should be filled up after removing the sculptures. The value of arranging sculptures according to periods has been suggested by some and decried by others. Thus Dr. Biddie was in favour of this arrangement, though he could not adopt it for want of space, but Dr. Burgess thought that such an arrangement was impossible since nothing definite is known about the original position of the sculptures. Again, in regard to the realignment of the rail, the Committee has not made it clear which of the three rails is meant. The reference to the admission of light seems to indicate that it is the rail which was erected in the corridor to the annexe. The suggestion to re-arrange this rail in such a manner as to admit more light to fall upon it appears to be good; but not the suggestion to re-arrange it so as to make it look more like the original. Before the rail is re-arranged, it has to be considered whether the archæological authorities as before may not hereafter take exception to that arrangement. It will be remembered that the arrangement of the rail in question was objected to by Dr. Vogel on the ground that from a scientific point of view any reconstruction of it is "only permissible if the original position of the various pieces is known" and that in this case, the original position of the pieces is really not known. All these suggestions will, therefore, have to be reconsidered before the final orders are passed. On the other hand, the suggestion to fill up the pit in the gallery after removing the sculptures seems to be unexceptionable; it should not be forgotten that this pit was made a subject of ridicule by Dr. Burgess when he compared it to a bath or a trap. Two other suggestions have been made by the Committee in regard to the sculptures: (1) that they should be removed into the Oriental Manuscripts Library building to weed out the duplicates and (2) that a competent modeller should be employed to prepare a model of the Amaravati stupa. The first suggestion requires no remarks, whereas the second seems to be impracticable since no modeller can be expected to reconstruct a stupa in its original shape when that original shape is quite unknown.

Turning to the next important collection in the Museum, the bronze collection, the Committee has recommended that it should be properly exhibited by providing it with more space, better lighting and good perspective. This collection, it may be noted, has been considered one of "the finest in existence"[1] and it has been said that, with the exception of a few fine specimens of bronzes in the Colombo Museum and Musee Gruiment, there are no finer specimens anywhere than those which are in our Museum.[2]

About 25 years ago, it was discovered that this precious collection was seriously getting affected by the salt and moisture in the atmosphere in Madras. Dr. Gravely reported (1924) that most of the bronzes were "suffering from a contagious chemical disease

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1 G. O. No. 1156, Education, dated 9th October 1914, page 6.
2 *Idem*, pages 6–7.

as a result of which they are being steadily more and more disfigured."[1] Attempts were then made to find out a silpi who could cure or arrest this disease, but as no such silpi could be found, a trained chemist of the Archæological Department was specially appointed to treat them chemically and protect them against further deterioration.[2] The post of this chemist was subsequently made permanent as his services were required to protect also the Amaravati marbles and other pre-historic implements against deterioration.[3] The bronzes were treated under a process of electrolysis and placed in special cases.[4]

Now, as to the Committee's recommendations, more space can be alloted to the bronzes only if Block B is built; improved lighting can be provided for them only if the gallery is fitted up with sky lights; and better perspective can be afforded them only if the glass cases that contain them are remodelled and rearranged so as to permit all their sides to be seen. There is evidence to show that most of the cases are at present arranged against the walls and that they are provided with glass panes only on three sides.[5] Glass panes will have to be provided on the fourth side also and a passage will have to be left between the walls and the cases.

While the Amaravati and bronze collections have won the admiration of the educated visitors, the zoological collections have always won the applause of the educated as well as the uneducated. No other collection has been more popular in the Museum than the zoological collection. When the Museum was just organized, a brilliant idea struck the Superintendent, Dr. Balfour, to have, in addition to stuffed animals, live animals also and he carried out this idea by requisitioning from the Nawab of Arcot all the animals in his possession.[6] The visitors to the Museum at once greatly swelled in numbers, but then the neighbours began to complain of the nuisance and therefore the animals were transferred to the People's Park (1862).[7] Since then, though the Museum has never had any live wild animals, there was a time (1894–97) when it exhibited a small collection of live animals, birds and fishes to the great attraction of the visitors and those who specially wanted to study their habits and characteristics.[8] But very soon this attraction was also withdrawn, so that to-day only the stuffed animals are left to entertain the visitors. In 1894 the Superintendent made some earnest attempts to show them up to their best advantage. He said that the zoological galleries, occupied by

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1 G.O. No. 665, Law (Education), dated 1st May 1925, page 1.

2 G.O. No. 1419, Law (Education), dated 6th October 1923, pages 4–5.

3 G.O. No. 712, Education, dated 2nd April 1937.

4 G.O. No. 588, Law (Education), dated 20th April 1923.

5 *Idem—see* the plans and estimates.

6 Report of the Central Museum, 1853—pages 6–7 of the Report for the second half year of 1854.

7 G.O. No. 944, Public, dated 9th August 1862.

8 G.Os. Nos. 414—414-A, Revenue, dated 2nd July 1895, paragraph 15 and Nos. 555—556, Education, dated 1st September 1898, pages 8–9.

"cases containing melancholy rows of stuffed animals and birds, have always been the weak spot of the Museum open to adverse criticism." He got framed photographs of coloured pictures and wood-cuts of the mammals and birds and exhibited the larger horned animals like the bison and the sambur mounted on shields. He provided, where possible, realistic groups: he placed in cases a group of flying foxes on the branches of a tree, the nests and eggs of the pariah kite and the crow in the forks of trees and the nests of the weaver bird pendant from the leaf of a palm, etc.[1] But attempts like this soon proved impracticable. They demanded more space and, as space became more and more scarce, they had to be discontinued.[2] And yet the idea was not abandoned. In 1918 when certain proposals were made for constructing an extension to the Zoological gallery, it was pointed out that it would provide more space for forming realistic groups of South Indian animals. Again, as recently as in 1939, the Superintendent, Dr. Gravely, reported that, "if staff and resources permitted, much more could be done towards showing specimens in their natural surroundings, thus making them more instructive and more attractive."[3] It is stated that in this respect the Bombay Museum has stolen a march over the Madras Museum. The Committee has now recommended that there ought to be more habitat groups formed, but it has not said whether there is adequate space in the galleries for arranging such groups. Want of space stood in the way of such a proposal in olden days. More space may have to be now created in order to give effect to it and to enhance the interest of the Zoological collections.

In regard to the numismatic collection, the Committee has only recommended that the post of the Curator, numismatic section, should be revived. But the numismatics have always presented some serious problems which the Committee has left untouched. It is obvious that with a collection of nearly 50,000 rare coins of which nearly 14,000 are of gold and silver,[4] the Museum cannot afford to neglect their safe custody. These coins, some of which were purchased, some of which were donated, and some of which were acquired under the Treasure Trove Act,[5] have always attracted the attention of not only students of history and archæology, but also of thieves who are only after gold and silver and who will put even the rarest of coins into the melting pot without the least compunction. That this is no imaginary danger has been shown by the wholesale burglary of all gold and silver coins of the Patna

1 G.Os. Nos. 414–414A, Revenue, dated 2nd July 1895, pages 4–5.

2 G.Os. No. 792, Education, dated 19th July 1915, page 7; No. 785, Education dated 18th July 1916, page 7.

3 G.O. No. 1766, Education, dated 2nd August 1939, page 2.

4 G.O. No. 578, Education, dated 16th April 1941, page 65.

5 G.Os. No. 156, Public, dated 13th February 1866; No. 1232, Public, dated 5th December 1866; No. 1401, Law (Education), dated 13th August 1925; No. 445, Public, dated 1st May 1866; No. 956, Public, dated 22nd August 1864; No. 1071, Public, dated 22nd August 1864; No. 534, Public, dated 30th August 1904; No 870, Public, dated 23rd August 1865: No. 1243, Public, dated 2nd December 1865: No. 1054, Public, dated 11th October 1865.

Museum in 1937[1] and by the theft of a good number of valuable coins of the Madras Museum itself in 1906.[2]

Because of the value of these coins, historical, archæological and intrinsic alike, the Superintendents have from the beginning paid much attention to their safe custody. At first they were exhibited "in iron-lined glass cases."[3] In 1859 Dr. Balfour suggested an arrangement by which the cases could be lowered at night through a trapdoor below them by means of a pulley into the vaults below the building.[4] Subsequently the Superintending Engineer thought that the best thing to do was to provide "an iron shield to wrap the coin cases every night" and this was done as Dr. Balfour approved it.[4] In 1866 on the suggestion of the Superintendent new strong cabinets with shallow drawers and folding doors were provided for the coins[5]. But even this was soon found unsafe and a special room was therefore set apart for the coins and admission to it was restricted to only those who were really interested in the collection and that too, between 7 to 9 a.m. in the presence of the Curator or a senior official.[6] A little later iron safes were purchased for the coins. But in spite of all these precautions the robbery of 1906 took place. Ever since that time it has been felt that more complete measures must be provided. In 1941 the measures adopted for the protection of the coins in the Prince of Wales Museum, Bombay and the Indian Museum, Calcutta, were ascertained.[7] And the Superintendent of the Madras Museum reported: "The coin room here is an old office room in the most inaccessible part of the rear building, difficult to be watched and badly requiring to be strengthened before it can be regarded as even moderately safe . . . Now the safes are opened in the presence of both the Curator and myself and the keys of the room are in the custody of the Personal Assistant . . . Ordinarily visitors have no access to the coin collection. Scholars and others interested are permitted to see the collection by previous appointment with the Curator . . . and in his presence . . . I have seen the coin rooms at both Bombay and Calcutta. Ours is in every way defective and requires improvement."[8] But no improvements have been made till now perhaps because of the war. It is, however, strange that the Committee has said nothing about this. It will be necessary to examine this matter further and see whether some of the measures taken in the Prince of Wales Museum and the Indian Museum, such as the provision of a strong room and armed guards, cannot be adopted in our Museum also. It may be stated here that adequate precautions have, however,

[1] G.O. No. 1836, Education, dated 12th August 1939.
[2] G.O. No 464, Education, dated 19th July 1907, pages 5–6.
[3] G.O. No. 507, Public, dated 18th May 1866.
[4] G.O. No. 38, Public, dated 11th January 1859.
[5] G.O. No. 507, Public, dated 18th May 1866.
[6] G.O. No. 225, Public, dated 19th April 1882.
[7] G.O. No. 578, Education, dated 6th April 1941.
[8] *Idem*, page 30.

already been taken to maintain a separate accession register for the coins and to check them periodically.[1]

The proposal of the Committee to revive the post of the Curator requires some explanation. In 1925 having found that about 5,000 coins still remained to be arranged and catalogued, Dr. Gravely suggested, and the Government approved, the appointment of an Assistant(Curator) under him to undertake this work.[2] In 1929 this post was made permanent,[3] but three years later, the Assistant suddenly died leaving the work half finished[4] and the subsequent attempts made to get the work done by a part-time officer having been found unsatisfactory, in 1940 the Superintendent again pressed the appointment of a permanent whole-time officer. The Government have recognized the necessity of this post but owing to the War, have been unable to sanction it.[5] It is the revival of this post that the Committee has now recommended.

Two other recommendations have been made by the Committee: (1) that guide lecturers should be appointed to instruct the illiterate visitors and (2) that the Victoria Technical Institute building should be converted into an art gallery. As to guide lecturers, different views have been held at different times by the experts. The Oriental Conference in 1914 urged that some arrangements must be made in every museum to instruct the illiterate visitors.[6] But the Indian Museum held that the only way to instruct them is to parade before their eyes "an orderly spectacle which impresses their minds and prepares them for the reception of new idea; and that any attempt to instruct them in any more definite manner would merely scare them away."[7] Our Superintendent of the Museum as well as the Government agreed with this view.[8] But the Museum Conference again revived this question. In 1936 it felt that "one of the first requirements of the Indian Museum's movement is the sympathetic study of the illiterate visitor";[9] and in 1937 it definitely came to the conclusion that the illiterate visitors, who form the majority of visitors, could best be reached only through exhibits explained by the spoken word, and that, therefore, it is essential to appoint guide lecturers in every museum.[10] It is this view that has now been urged by the Superintendent and the Committee. The Superintendent feels that, as guide lecturers have already been appointed in the Nagpur Museum, and are shortly going to be appointed in the Bombay

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1 G.Os. No. 1401, Law (Education), dated 13th August 1925, page 2; No. 578, Education, dated 16th April 1941; No. 1870, Education, dated 2nd December 1941.

2 G.O. No. 1401, Law (Education), dated 13th August 1925, pages 54—55.

3 G.O. No. 609, Education, dated 27th March 1929.

4 G.O. No. 1224, Law (Education), dated 26th August 1932, page 54

5 G.Os. No. 1761, Education, dated 11th September 1940; No.578, Education, dated 16th April 1941, page 97.

6 G.Os. Nos. 1178-1178-A, Education, dated 15th October 1914, page 2.

7 *Idem*, page 5.

8 *Idem*, pages 11—12.

9 G O. No. 1708, Education, dated 29th July 1937, page 1.

10 G.O. No. 1790, Education, dated 28th July 1938, page 22.

Museum, no time should be lost in appointing them in the Madras Museum also.[1] As regards the opening of an art gallery in the Victoria Technical Institute building, a small beginning in this direction in the Museum was first made in 1900 when certain paintings and coconut and ivory carvings were exhibited in its art gallery.[2] But the collection increased only slowly. In 1934 the Museum had only 70 pictures: in 1942, however, no less than 241 pictures were added to this collection. The question now for consideration is whether the Museum can undertake the big task of acquiring pictures, preserving them and organizing an art gallery. It is needless to say that, if this question is answered in the affirmative, more buildings will have to be built and more staff and equipment provided.

1. Current File, page 24.
2. G.Os. Nos. 313-314, Public, dated 26th July 1900.

THE BUCKINGHAM CANAL.

[Written in 1956].

The Buckingham Canal, as everyone knows, is a navigation canal which runs through two States. the Madras and the Andhra Pradesh. It is almost parallel and close to the East Coast, and it joins up a series of natural backwaters and connects all the coastal districts from Guntur to South Arcot. It is 196 miles long north of Madras (City) and 62 miles long south of Madras. At its northern end it connects with the Commamur Canal of the Krishna delta which, in turn, is connected to the Godavari Canals running as far north as Cocanada. At its southern end it terminates in the Marakkanam backwater. The total mileage of the main line of navigable waterway from Cocanada to the Marakkanam backwater is 451 miles[1].

The canal is one of the earliest engineering feats of the Nineteenth Century. At the dawn of that century the engineers found that all along the East Coast there was a sandy desert across which the whole drainage of that coast swept down from the Eastern Ghats to the Bay of Bengal. They saw that the country was intersected at comparatively short intervals by numerous rivers varying in magnitude from the Penneru river with a drainage area of 20,000 square miles to the streams of the smallest size. They saw that many of these rivers, as they approached the coast, spread far and wide and poured their flood waters into the sea by numerous mouths, the coast, as a rule, being very flat near the sea. Nor is this all. They saw that nearly all along the line of the coast, there were a succession of backwaters varying in area from the Pulicat Lake with a waterspread in floods of 178 square miles to insignificant salt water marshes. And they also saw that these backwaters were separated usually from each other by narrow strips of high land, and that in some cases they joined during floods making the whole country for miles together one continuous sheet of water. It was these factors that made them pitch upon the line on the coast as the course of the canal. They experienced much difficulty in determining how the flood waters of the upland drainages were to be passed across the canal, since in many parts of the country a high line of sandy dunes were seen to border the coast line and, where this was the case, the disposal of the surplus water from the canal, unless the plan of forming high level grounds was adopted, was generally impossible, except by means of the main line of drainage to the sea. It was probably on this account that they decided in favour of an *open* canal discharging flood waters into the main drainages at the ends of each reach. They had no reliable information regarding the rise and fall of tides in the various backwaters along the coast. Nor had they any reliable information

[1] History of the Buckingham Canal Project by S. Russell, 1898, page 40.

regarding the flow of tides or the action of numerous sea bars and other important matters. But they knew that the coast line was often liable to be visited by cyclones of exceptional severity, during the prevalence of which the rainfall was often extraordinarily heavy. They also knew that the normal rainfall during the north-east monsoon was considerable and that the coast was subject to violent winds, the effect of which was to cause constant movement and drift of the light sandy soil and a heavy wash of waves in back-waters and rivers.[1]

It is on such data as this that a navigable canal for small craft was first cut through strips of sand and shallow backwater from Madras northwards to Ennore Lake, as long ago as 1806. It was constructed by a private individual, Mr. Basil Cochrane, and was therefore known as "Cochrane's Canal." The extension of this short length of 11 miles of the canal was soon afterwards made to the Pulicat Lake, thus opening up navigation to the small craft to a distance of 25 miles north of Madras. In the execution of this work the sole system of alignment and construction followed then and for some 80 years afterwards was merely that of joining back-waters together by navigable cuts made through the lowest ground available.

In 1837 this canal was taken over by the Government. It was then in a very bad condition, the bed being much silted up and navigation being only practicable even for very small craft by dint of frequent silt clearances. This unsatisfactory state of affairs continued till 1852 when the construction of a proper canal was first set about in earnest and extensive improvements to the existing line and further completion of the canal northwards were first proposed and put in hand. In 1854 the Shadayankuppam Lock was built, 7 miles north of Madras. It was built with the object of keeping up the water level in the Canal and Cooum river high during the period of the year when the sea-bar at Ennore is open, and thus of covering with water, in the interests of the sanitation of Madras town, the offensive sewage-laden banks and shoals of the Cooum river. This lock no longer exists having been abandoned in 1895 in favour of a new lock built on the margin of the Ennore Lake, 3 miles further to the north and in close proximity to the sea-bar.

By 1857, the canal was extended to Dugarazapatam, 69 miles north of Madras, by means of excavated cuts joining backwaters together. It had by then acquired the name of "East Coast Canal," a title which it retained till 1878 when it was finally named after the then Governor of Madras, the Duke of Buckingham and Chandos, as "the Buckingham Canal." By this time an entirely new canal had also been excavated on the same principle of joining back-waters together from the Adyar river in the town of Madras south-wards to Sadras, a total length of 35 miles. By 1857, therefore,

[1] History of the Buckingham Canal Project by S. Russell, 1898, page 5.

the canal came to consist of a line 69 miles north of the Cooum river in Madras and some 35 miles south of the Adyar river in the same town. There was, however, neither then nor for 20 years to come, any junction through the watershed separating the rivers Cooum and Adyar in the town of Madras, a distance of 5 miles.

By 1876, the Canal was extended from Dugarazapatam to Krishnapatnam, 92 miles north of Madras, thereby placing Madras in communication with the important town of Nellore, a short length of road between Krishnapatnam and Nellore completing the connection. It may be stated here that, until the completion many years afterwards of the railway to Nellore, the canal remained the only principal means of communication both for passengers and goods between Madras and Nellore. In 1877, a fresh impetus was given to the construction of the canal by the Great Famine of that year. The completion of the canal was then taken up as a famine work, thousands of persons were employed upon the excavation and, by the end of the year, the cutting of the canal was carried to the Ponneru river, 114 miles north of Madras. By the end of 1878, the canal was extended to its existing northern limit, i.e., the junction of Pedda Ganjam, 196 miles north of Madras, with the fresh water high level Commamur Canal of the Krishna delta system, the junction being effected by a lock with a lift to the Commamur Canal. This length of 196 miles of the canal, north of the Cooum river has since been known as the 'North Canal.'

About 1877, the connecting cut, now known as the "Junction Canal," between the Cooum and the Adyar rivers in the town of Madras, was completed; and by 1882, the canal south of Madras was cut right through from Sadras to its existing southern limit in the Marakkanam backwater and several bridges, particularly on the Junction Canal, were built. The canal south of Madras, 66 miles in length, now came to be called 'the South Canal,'

The whole canal thus completed by 1882 consisted of a length of 262 miles of open excavated channel, largely consisting of cuts joining backwaters, with only one regulating lock. It was partially embanked on both sides. It pounded up to a great extent the upland drainage and it had few outlets to sea for the discharge of cross drainage except at open ends of each reach. Down it therefore land floods coursed freely and rushed out to sea by means of the main drainages. Though it had been cut throughout a considerable portion of the North Canal to a bed width of 30 feet and throughout the South Canal to a bed width of 20 feet, its condition was described as bad in the extreme. It was stated that several sections of it had greatly contracted, that the bed had silted up, that traffic blocks had become frequent, that continual silt clearance had become obligatory in order to keep open traffic, and that the whole line had become a most uncertain means of communication only fit to be navigated at high tide by small craft not exceeding 10 tons on the North Canal and 5 tons on the South Canal. And this state of affairs led to an entire reconstruction of the canal design.[1]

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[1] History of the Buckingham Canal Project by S. Russell, 1898, page 5–8.

A modified design of the canal was accordingly considered between 1883 and 1891. This design, called the design of 1883, provided for many things. It provided for throwing back the canal wherever it had been taken too near the sea and for removing it out of the backwaters. It provided for embanking the canal on its eastern side so as to keep out a storm wave from the sea, as well as on its western side so as to exclude backwater floods and turn off river spills and drainages into the main rivers. It provided for temporarily shutting off the canal from river and backwater floods by means of flood gates or single gates facing towards the river. These gates were to be constructed on the margin of rivers and backwaters and designed to be readily closed on the approach of land floods and opened as soon as the land floods had run out to the sea; they were also to serve as self-acting outlets to discharge the cross drainage brought into the canal. And finally it provided for constructing, in the canal east embankment, high masonry sluiced outlets with swing shutters and low level sills, intended to act as sluices, supplementary to the flood gates, for discharging cross drainage from the canal, and situated, as a rule, in proximity to the flood gates.

The proposal to construct locks in the place of flood gates was then considered at length but eventually abandoned; and in accordance with the modified design, the construction of the canal was steadily proceeded with from 1883 to 1891. Several diversions of the canal line were carried out in order to remove it out of backwaters and further back from the sea. A high east bank was thrown up on the sea side and numerous flood gates and a few masonry sluiced out-lets were built. During the same period, a lock was also constructed on the north bank of the Adyar river in Madras, but this lock, as in the case of the Shadayankuppam Lock, formed no part of the general design of the canal and was built for special reasons connected with the sanitation of Madras.

It will thus be seen that the modified design of 1883, while making extensive provision by means of flood gates and embankments for exclusion of land floods and storm waves from the canal, in no way isolated the canal from tidal rivers and backwaters but left it, as before, in free communication with shallow rivers often tidal throughout the year and with shallow backwaters usually tidal for about half a year. The results of this policy proved futile, since it became increasingly evident in and after 1892 (1) that the flood gates had done but little to decrease the heavy silting of the canal bed; and (2) that the main cause of such heavy and constant silting was the tidal flow from the shallow beds of rivers and backwaters. It also now became clear that throughout the hot weather months, when tides are at their lowest and backwaters are usually tideless, the canal suffered from a chronic low surface water level and that the method till then pursued of attempting to cope with such evils by means of constant silt clearances was both futile and wasteful. It became equally

clear that the true remedy was to build locks, so as both to prevent silting and to impound and retain high tide water as long as rivers and backwaters remain tidal, as well as to prevent, when tidal conditions cease to prevail, the surface water level of the canal from falling in the hot weather to the same low water level as the backwaters themselves. It was also now realised that, in addition to the failure of the flood gates to keep down silting in the canal, those gates themselves could only be used to a limited extent since their closure caused delays to traffic; that outlet sluices with low level sills were inefficient means of reducing flood level in the canal since they usually failed to act when most required because of the combined tidal and flood water in the rear of them backing up considerably above the sills; and that it was essential to make ample provision for the discharge of cross drainage as well as all drainage, as far as practicable, directly across the canal.

The final design was therefore hammered out in 1892, and carried out by 1897. It was now decided to provide long flush escapes by lowering the east bank at places not allowing of river floods or tidal water backing into the canal. As to the entry into the canal, of a storm wave from the sea, this risk was accepted in making such ground escapes. The final design also provided a locked-in canal, to pass upland drainage so as to retain a surface level in the canal approximately up to the level of the highest prevailing tide; to prevent the constant silting caused by daily tidal flow up and down the canal; to approximate the canal to a still-water canal, the lock gates only opening automatically to the inflow of high tide; and to obviate all risk, when tidal conditions ceased to prevail in backwaters, of draining of the canal caused by the evaporation of shallow backwaters. Between 1892 and 1897 a large number of old flood gates were, in accordance with the final design, converted into locks, several new locks were also built, the openings to the sea were made, and long surplus escapes were formed in the east bank of the canal.[1]

In our own century until the outbreak of the Second World War, the canal suffered much from the competition of railways. The traffic on it became less and less, its receipts dwindled, while its charges of maintenance, even in an indifferent state of efficiency, became more and more and caused yearly losses to the Government. It was only when the Second World War broke out that its position improved, when the railways and motor lorries found themselves unable to cope with the transport of ordinary goods, having been diverted mostly to the transport of war supplies. And this position does not seem to have been materially affected even by the conclusion of the war.

To describe briefly the history of the canal in this century, in 1910, a great deal of agitation was made in the Legislature about

[1] History of the Buckingham Canal Project by S. Russell, 1898, pages 1–4; 9–37, 38–51 and 59–65.

its silted condition and the falling off in its volume of traffic. Several members attributed this fall to the increase in the license fee and to the deliberate diversion of traffic from the canal to the railway for the benefit of the latter. The Government, however, took the view that there was no such deliberate diversion and that they were, in fact, spending large sums over the maintenance of the canal in spite of the falling revenue from it. They said that the principles upon which the canal was worked were (1) the maintenance of a waterway for small boats not drawing more than 3 feet of water and (2) the limiting of the expenditure over the canal, exclusive of the cost of establishment, to the actual receipts as far as possible. And they considered that it was both unnecessary and inexpedient to spend large sums for the improvement of the canal.[1]

During the First World War in 1917, when there was acute shortage of railway and shipping facilities, the Collector of Krishna took a different view. He urged that the canal should be urgently improved so that rice and other essential commodities might be transported without difficulty from the northern districts to Madras. He also urged that the canal fees which had been raised with the object of driving the traffic on to the railway, should be reduced. But, the Chief Engineer remarked that it was not possible to deepen the canal or to render it fit for heavier traffic without going in for dredgers, which were then not available, and that, if the merchants were anxious to use the canal, they should provide themselves with lighter boats. The Government then dropped the matter.[2]

But the Legislature took up the matter in the same year and moved a resolution for an increased grant for the improvement of the canal. The Government now gave an assurance that they would see to it that the canal was always kept fit for boats drawing 3 feet in the North Canal and 2 feet in the South Canal. They also agreed to deepen the canal south of the Adyar Lock to a distance of 3 miles.[3] In the next year, in 1918, another resolution was brought forward in the Legislature advocating the transfer of the canal to private enterprise, if the Government were not willing to improve it. But this resolution was withdrawn on the assurance given by the Government that the standard depth would be maintained in the canal by the prompt clearance of silt.[4]

The matter slept for a time, till 1923, when it was again roused into activity by the Retrenchment Committee. This Committee suggested that the question should be examined as to whether the canal could not be made self-supporting (*a*) by increasing the license fees and (*b*) by closing the most unremunerative reaches

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1 G.O. No. 66, Irrigation, dated 7th March 1910.
2 G.O. No. 240, Irrigation, dated 18th June 1917.
3 G.O. No. 252, Irrigation, dated 23rd June 1917.
4 G.O. No. 179, Irrigation, dated 21st May 1918.

and retaining only such of the reaches as were likely to be self-supporting. But the Chief Engineer held that the closing of the canal or any parts of it was not at all desirable and that the enhancement of the license fees was bound to drive away what little traffic that still remained on it. He, however, considered that the license fee might be enhanced if certain improvements were made, if the South Canal were deepened by one foot and the North Canal were deepened in its bad reaches and its drainage improved. The Government asked him to proceed with the works suggested by him[1] and in 1928 sanctioned another estimate of Rs. 1.92 lakhs for effecting improvements to the Junction Canal as well as the South Canal. They also ordered an enhancement of the license and wharfage fees by 150 per cent in three instalments. But the whole thing fell through because the Chief Engineer shortly afterwards reported that no substantial improvements could actually be made since, owing to heavy springs and the light nature of the soil, the bed heaved up almost to its original level as soon as it was deepened.[2]

About this time a proposal was made to the Government by a private individual for taking over the canal and for plying a motor launch service upon it. But, as he had no financial backing, and as he expected financial aid from the State amounting to Rs. $3\frac{1}{2}$ lakhs every year and, furthermore, as it was considered that the motor launches were bound to damage the banks of the canal, especially where they were sandy, the Government turned down the proposal.[3]

In 1935–1936 a series of representations were made by the boatmen and boat owners, and the Southern India Chamber of Commerce and the Andhra Chamber of Commerce for the improvement of the canal. They pointed out several defects such as the failure to keep open sea bars, to maintain the locks in order, to close breaches and clear silt promptly, to appoint gangmen to patrol the canal and a full time Executive Engineer to look after it, and recommended, among other things, that the license fee should be reduced, that a basin should be constructed at the Barber's Bridge, that more wharf stations should be provided and that an Advisory Committee should be appointed. The Government then promised to take steps to keep open the sea bars, to maintain the locks in order and to close the breaches and clear the silt promptly; and as regards silt clearance, they issued specific instructions to see that the silt was carried to a sufficient distance from the canal and not dumped on its banks and allowed to be washed back into it by the very first rains. As to the appointment of the gangmen they promised to consider it and as to the appointment of a full time Executive Engineer they considered that it was unnecessary and that it would be enough if the Superin-

1 G.O. No. 233, Irrigation, dated 30th April 1926.
2 G.O. No. 1371, Irrigation, dated 6th May 1930.
3 G.O. No. 1653, Irrigation, dated 5th November 1926.
G.O. No. 2304–2305, Irrigation, dated 15th September 1928.

tending Engineer were to inspect the important reaches of the canal and the Executive Engineers the whole length of the canal in their charges annually. They refused to reduce the canal fee as the canal was already working at a loss but agreed to construct the basin at the Barber's Bridge. And finally, they considered it unnecessary to increase the number of wharf stations or to appoint an Advisory Committee.[1]

Then came the Second World War and an acute scarcity of rail and motor transport; and the Government themselves now took up actively the question of improvement of the canal. They ordered the Chief Engineer to deepen the canal, if necessary, by means of dredgers, and sanctioned an estimate amounting to Rs. 2.8 lakhs for deepening the North Canal in its entire length of 196 miles. They also sanctioned a special staff for executing the work with expedition.[2] They likewise sanctioned a sum of Rs. 3.63 lakhs for improving the existing wharfs and constructing new wharfs at Basin Bridge and other places so as to accommodate the additional traffic.[3] As for the South Canal, the Chief Engineer submitted proposals for deepening it to a depth of 3½ feet at a cost of Rs. 4.10 lakhs, but the Government turned down these proposals on the ground that the results were not likely to justify such large expenditure. They, however, asked him to maintain the canal up to the prescribed standard[4] and to do silt clearance at additional expense, if necessary.[5]

As the war rolled on and the transport conditions became more and more difficult, large sums of money were spent in keeping the canal in proper condition. From 1940 to 1944 no less than Rs. 18.4 lakhs were spent on improvements. A masonry lock near the Pulicat Lake was constructed; 6 cargo boats were provided for hire; power tugs were employed for pulling boats, especially in malarial tracts where labour was not available; a Deputy Collector was appointed to encourage canal traffic; and the banks and berms of the Junction Canal in the City were revetted throughout.[6] A proposal was also at this time made to connect the Buckingham Canal with the Vedaranyam Canal in the Tanjore District in order to provide direct communication from Cocanada to Point Calimere and thence to Ceylon, but the cost of it estimated at Rs. 13.6 lakhs was considered by the Government to be prohibitive and out of all proportion to the benefits anticipated. The proposal therefore had to be abandoned.[7]

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1 G.O. No. 82, Irrigation, dated 15th January 1937.
2 G.O. No. 2404, Public Works, dated 6th October 1941.
3 G.O. No. 379, Public Works, dated 7th February 1942.
G.O. No. 704, Public Works, dated 7th March 1942.
G.O. No. 2503, Public Works, dated 26th September 1945.
4 G.O. No. 2252, Public Works, dated 2nd July 1942.
5 G.O. No. 3013, Public Works, dated 22nd August 1942.
6 G.O. No. 2503, Public Works, dated 26th September 1945.
7 G.O. No. 3982, Public Works, dated 3rd November 1942.

Meanwhile, the transport situation became worse and the Board of Revenue, Civil Supplies, urged that it was absolutely necessary to keep the canal in an efficient condition, irrespective of the cost involved, as it was the life line which supplied Madras with rice and firewood. It suggested the appointment of a Special Executive Engineer with an adequate staff of Supervisors, to look after the canal, and this was sanctioned by the Government.[1]

Nor was this all. At this time (1945) several Post-War Reconstruction and Development Schemes for the improvement of the canal were drawn up by the Government. One of these schemes provided for the construction of wharfs and additional landing places between the Barber's Bridge and the Mylapore Bridge in Madras City at a cost of Rs. 4.57 lakhs. Another provided for the improvement of the existing inlets and outlets and the construction of new ones at a cost of Rs. 85,000. The third provided for the improvement of the existing quarters and amenities for the staff at a cost of Rs. 60,000. The fourth provided for the revetting of the slopes of the canal between the Adyar and the Cooum rivers in Madras City at a cost of Rs. 3.01 lakhs. The fifth provided for the revetting of the slopes in other places, where the earth used to slip from the banks and silt up the canal, at a cost of Rs. 1.02 lakhs. The sixth provided for the putting up of quarters for the Lock establishments at a cost of Rs. 1.27 lakhs. The seventh provided for raising and strengthening the canal banks to keep out river floods and for lowering high banks to prevent the heaving up of the bed, at a cost of Rs. 1.55 lakhs. The eighth provided for the purchase of 3 dredgers for the North Canal at a cost of Rs. 3.10 lakhs. And the ninth and the last provided for the linking up of the Buckingham Canal with the Vedaranyam Canal in the Tanjore district at a cost of Rs. 25 lakhs.[2] But none of these plans appear to have been carried out as the Government of India did not accept any scheme for the improvement of the inland waterways.[3]

A few words may be added to bring out the present importance of the canal. As has been already stated, the canal lost its importance for many years in this century, as a result of the competition of the railways. But it has regained its importance, ever since the Second World War. In 1900–1901, for instance, it carried goods of the value of Rs. 43.81 lakhs only[4]; and in 1938–1939, i.e., just before the Second World War, it carried goods of the value of Rs. 134 lakhs[5]; but in 1951–1952 (before the separation of the Andhra State) it carried goods of the value of no less than Rs. 20.73 crores.[6]

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[1] G.O. No. 2105, Public Works, dated 24th July 1944.

[2] Post-War Reconstruction and Development Schemes of the Government of Madras, 1945, pages 173, 176–177, 179–180, 183–185 and 188.

[3] G.O. No. 2059, Public Works, dated 31st July 1946.

[4] G.O. No. 66, Irrigation, dated 7th March 1910, page 6.

[5] Administration Report of the Public Works Department (Irrigation) for 1938–1939, page 15.

[6] Figures obtained from the office of the Chief Engineer.

THE AGENCY AREAS AND THEIR PROBLEMS.

[Written in 1947 in connection with the question of reforms in the Agency areas which was then considered both by the Government of India and the Government of Madras. It deals critically with the several problems in the Agency areas and offers some suggestions to solve them.]

What are the problems of the Agencies, what measures have been taken or suggested to tackle them, with what success, and what measures can now be taken to tackle them—these questions will be more or less fully dealt with in this paper. We shall deal first with the problems affecting the country and then with the problems affecting the people who inhabit it.

Everyone is agreed that the Agency areas are rich in natural resources. Their immense potentialities have never been doubted or questioned. Again and again it has been asserted by administrators and experts alike (1) that they contain hundreds of square miles of cultivable area which are now lying waste but which are capable of being cultivated with paddy, cholam and other cereals and pulses and with citrus fruits, potatoes, ginger and turmeric; (2) that they afford great facilities for irrigation on account of the numerous streams traversing the country; (3) that they abound in vast quantities of forest wealth, tamarind, kattuparangi, honey, pippalamodi, addiakkula leaves, bamboos and valuable timber.; (4) that they possess potential sources of electric power (like the Doduma Waterfalls), the country being so full of perennial streams with rapid descent from the hills to the plains; and (5) that they reveal much mineral wealth, such as iron, plumbago, mica, manganese and gold.

Mr. L. T. Harris, the first Commissioner of the Agencies and the first man who made a detailed study of their resources, observed in 1922 thus: "Within the Agency there are vast areas of fertile land at present uncultivated, which also have remained uncultivated for all the period within human memory. No precise statement of the area of this land can be made, but it certainly is to be calculated by hundreds of square miles . . . It is probably pretty safe to say that there is more really good land available for extension of cultivation in the Agency than in the whole of the rest of the Presidency. Similarly no precise statement can be made with regard to the area of the forests, or the value of the timber to be found therein. All that we can say is that in the vast area there are a great many very fine trees and that all the officers of the Forest Department who know anything of the country have formed a very favourable opinion of the value of the timber and other produce which can be obtained from those forests. With regard to the mineral resources again there has been no systematic geological survey but it is certain that iron, plumbago, mica, manganese and gold are to be found and that there is reason for believing that coal also is obtainable . . . One of the most

important and interesting features of the Agency is its wealth in potential electric power. This may be readily understood from the fact that the country is so rich in perennial streams with a rapid descent from the hills to the plains."[1]

Mr. D. G. Munro, an Agricultural Expert who investigated the scope for agriculture in the Agencies in 1928, reported as follows: " The Agency tracts are rich in the variation of crops which can be grown . . . (*a*) Cereals—paddy, ragi, cholam and small millets like samai . . . (*b*) Pulses—red-gram, horse-gram, green-gram and beans . . . (*c*) Industrial and other crops—Tea—A small area of tea was growing at Ananthagiri . . . Rubber—Ceara rubber was found . . . but no Hevea was seen . . . Cotton is grown on a small scale . . . Tobacco is widely distributed . . . Arrowroot, ginger and turmeric are also widely grown . . . Sugar-cane is grown only on a small scale. Without irrigation and good manuring this crop cannot be economically grown. Vegetables—potatoes, sweet potatoes, tomatoes, beet, carrots, cabbage, cauliflower, turnips, brinjals, etc., are grown in many gardens . . . and with care and attention grow well . . . (*d*) Fruit —oranges, tight and loose skins, limes, lemons, citrons, pomeloes are all grown in various places. Peaches, plums, mangoes, jack, guava, custard apple, fig . . . are all found. Strawberries have been planted . . . Coffee was found in various places . . . Papaya was well distributed . . . Pine-apples grow well . . . (*e*) Of the oil-seeds castor and niger are the most important. Gingelly and mustard are also found . . . (*f*) Other products—silk cotton trees . . . are found in varying numbers . . . It will be seen from the above list of crops and produce that the Agency is rich in the multiplicity and variety of crops which can be grown."[2]

It is needless to press the point further. That the Agency areas are rich in natural resources, agricultural, forest and mineral, is undisputed. And yet the fact remains that not even a fraction of this wealth has been tapped. And this is because, it would appear, of two big obstacles, namely, inaccessibility and malaria. Unless these two obstacles are removed, it is idle to hope for any development. Development naturally implies the colonization of the Agencies with capitalists and enterprising men from the plains. And no such capitalists or men from the plains can be induced to settle down in wild inhospitable tracts devoid of roads and condemned to malaria.

As everyone knows, the Agency areas, whether they be situated in the Vizagapatam district or in the East and West Godavari districts, are mostly hilly, jungly and ill-supplied with roads or railways. What has yet been done to cut up roads or open railways has not touched even the fringe of the question. The few roads that exist were constructed mostly for strategic purposes and

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1 G.O. No 359, Revenue, dated 23rd February 1922, pages 3–4.
2 G.O. No. 246, Revenue, dated 8th February 1930.

not so much for the development of the country. And even these strategic roads have been found quite inadequate for the movement of troops or for the maintenance of law and order in times of fituris or risings of hillmen.[1] From time to time several road schemes have indeed been drawn up both for serving military needs and for facilitating trade and commerce but none of these schemes has materialized for want of money. The last occasion on which the prospects seemed bright, when such schemes were drawn up and considered, was in 1939. These schemes were drawn up after elaborate consultations with the Agents, the Board of Revenue and the Chief Engineer. In August 1939 the Government asked the Chief Engineer to take up some of the items of works without delay, hoping to obtain the funds required from the Central Road Fund.[2] But close upon this the War came and with it financial stringency and shattered the prospects of these as of all other schemes;[3] and until now there is nothing to show that the Agency road schemes would be pushed through in the near future. Roads are still the vital necessity for the opening up of the Agencies. The reports of the Agents still stress the need for more roads. Roads are, it is obvious, essential not only for connecting the various parts of the Agencies to one another, but also for connecting these parts to the plains.

But this road problem is linked with another problem equally vast and difficult, namely, the problem of malaria. The prevalence of malaria in almost all parts of the Agencies has made it very difficult to import labour from the plains for the construction of roads. There have been instances in which, let alone the ordinary plainsmen, even the military pioneer forces have refused to do road work in the Agencies for fear of catching malaria.[4] Unless this fear is removed, unless labour is imported, it is impossible to conceive how any substantial scheme of road works can be undertaken in the Agencies. The indigenous labour has very often been tried for this sort of work and found utterly useless. Neither the Koyas of the Godavari Agency nor the Khonds of the Vizagapatam Agency have been considered to be in any sense efficient labourers. They are invariably described as lazy, perfunctory, procrastinating workers.[5] In these circumstances, it is only if the incidence of malaria is reduced within reasonable proportions that labour can be readily imported from the plains and the entire network of roads started with success. To push through the scheme with energy and promptitude it would appear advisable to employ as many pioneer companies as possible along

1 G.Os. No. 1831, Revenue, dated 20th October 1926; No. 762, Revenue, dated 22nd April 1927.

2 G.O. No. 1410, Public (Political), dated 31st August 1939.

3 G.O. No. 1926, Public (Political), dated 4th November 1939.

4 G.Os. No. 523, Revenue, dated 23rd March 1926; No. 188, Revenue, dated 2nd February 1927; No. 2578, Revenue, dated 10th December 1927.

5 G.O. No. 1823, Revenue, dated 1st September 1932—*see*, e.g., the views of Messrs. C.A. Henderson, J.B. Brown and H.R. Uzielli; G.Os. No. 1226, Revenue, dated 20th June 1934; No. 1154, Revenue, dated 11th June 1934, page 58.

with the coolie gangs from the plains. The roads in the Agencies are now all, except the minor ones, under the Public Works Department.[1] And this department must be asked to spare the best of their engineers for the Agency road schemes.

Malaria in the Agencies ought to be effectually controlled, if not eradicated, also in the interests of the Agency people themselves. The Agency tracts at present comprise 6,792 square miles; and their population is 493,026. As has been already said, most of these tracts are highly malarial. If the spleen rate among children is a reliable test for ascertaining how malaria in any area is prevalent—and it would seem that this test is infallible—it is not less than 90 per cent in several parts of the Vizagapatam Agency, though there are some parts of the same Agency in which it is as low as 20 to 30 per cent.[2] The spleen rate in the Godavari Agency has not been ascertained, but there is enough evidence to show that malaria is equally rampant in this Agency also.[3]

The measures hitherto adopted to eradicate malaria have proved practically fruitless or fruitful only of fitful results. Not that the problem has been lost sight of or ignored in all these years. Colonel Perry was the first to point out the high incidence of malaria in the Vizagapatam Agency. Major Ross followed him in 1913. He carried out an investigation in Koraput and, upon his recommendations, certain anti-malarial measures, by way of constructing well-revetted drains, were carried out between 1915--1916 and again in 1920.[4] In 1922 Mr. Harris, the first Commissioner, stressed the immensity of the problem.[5] In 1927, the Agency Conference expressed its opinion that the prevention of malaria was by far the most important question to be dealt with and recommended the investigation, by an expert Malariologist, of the conditions in each Agency in order to frame a definite scheme of malaria protection.[6] About the same time Mr. (later, Sir) Geoffrey Bracken made an elaborate study of the problem and recommended the employment of a scientific staff of experts to study malaria at different altitudes and in different conditions which prevail in the Agencies and, pending this scheme, urged the need of adopting some anti-malarial measures which have stood the test of time; such as the opening out the country by railways and roads in order to increase the area under cultivation and the density of population, the improvement of the methods of cultivation with a view to reducing the number of potential breeding grounds for anopheles mosquitoes, the planting of crops like geranium and Egyptian clover, which are said to

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1 G.Os. No. 1831, Revenue, dated 20th October 1926; No. 1143, Revenue, dated 8th March 1934.

2 G.O. No. 359, Revenue, dated 23rd February 1922.

3 e.g. *see* the East Godavari Agent s Reports in G.Os. No. 1988, Public (Political), dated 20th October 1937 and No. 1828, Public (Political), dated 27th October 1939.

4 G.O. No.1154, Revenue, dated 11th June 1934, page 62 Sqq.

5 G.O. No. 609, Revenue, dated 12th April 1923—*see* Mr. Harris's note.

6 G.O. No. 762, Revenue, dated 22nd April 1927.

immunize anopheles and the undertaking of some simple protective measures like oiling, constructing subsoil drainage in select areas, filling up of pits and depressions, draining of marshes by open cuts, clearance of scrub jungle and, if possible, intensive quininization of the people.[1]

It was all right to suggest all these measures. But it was difficult to find money for them. Mr. Harris no doubt suggested the floating of loans but this was not palatable to the Government. They considered that, before undertaking anti-malarial measures on a large scale, it was desirable to concentrate on preventive measures in one particular area and watch the results; and accordingly, they selected four villages in the Gudem taluk in the Vizagapatam Agency, viz., Chintapalle, Lammasinghi, Krishnadevipeta and Peddavalasa and appointed a Health Officer and four Health Inspectors to investigate and adopt anti-malarial measures. They at the same time gave a discretionary grant of Rs. 10,000 to the Agent to work the scheme.[2]

This is what is known as the Gudem experiment. The experiment was undoubtedly a success. The Health Officer showed energy and enthusiasm, made a careful study of malaria in the four villages and the measures taken, on his advice, such as the construction of subsoil drainage, paris-greening of running streams, oiling, clearance of scrubs, filling of pits, etc., within a couple of years brought down the spleen rate appreciably and reduced the incidence of malaria. Upon his advice the experiment was also extended to some villages in the Koraput taluk and equally good results obtained there also.[3] But shortly afterwards the Retrenchment of 1932 came and nipped the experiment in the bud. The Health Officer's post was abolished, anti-malarial work was confined to simple measures like paris-greening and oiling, the subsoil drainage works were stopped or neglected, with the result malaria again popped up its head and the spleen rate again shot up. Since then attempts similar to the Gudem attempts have been on a small scale made in a few villages in the Vizagapatam Agency, i.e., Makaram and Koyyar muttas, but never with the same enthusiasm or the same success.[4]

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1 G.O. No. 2268, Public Health, dated 16th September 1930.

2 G.O. No. 832, Public Health, dated 6th April 1928.

3 G.O. No. 2425, Public Health, dated 14th December 1931. Administration Reports in G.Os No. 1747, Revenue, dated 12th September 1930; No. 2148, Revenue, dated 12th October 1931.

4 G.Os. No. 2066, Revenue, dated 29th September 1931; No. 2027, Public Health, dated 20th October 1931; No. 184, Public Health, dated 26th January 1932. Administration Reports in G.Os. No. 2193, Revenue, dated 27th October 1932; No. 1970, Revenue, dated 30th October 1933; No. 2403, Revenue, dated 21st November 1934; No. 2425, Revenue, dated 14th October 1935; No. 172, Public (Political), dated 22nd January 1937; No. 2328, Public (Political), dated 2nd December 1937; No. 1689, Public (Political), dated 10th October 1938; No. 3937, Public (Political), dated 6th November 1939; No. 186 (S), Public (Political), dated 6th November 1942.

It is worth noticing that no experiments of this kind, even on a restricted scale, have been undertaken in the Godavari Agency. In 1939 the Director of Public Health recommended the appointment of a Malariologist to make a malarial survey in the Godavari Agency as a step preliminary to the adoption of anti-malarial measures on right lines; but the Government turned down this proposal, postponing it to better times.[1] The only other measures taken against malaria in the Agencies have been the free distribution of quinine and the treatment of malarial patients in the hospitals and dispensaries wherever these were practicable.

It is evident that none of these measures can be said to have gone to the heart of the matter. None of them was conceived on any comprehensive plan, and few of them were adopted for a sufficiently long period, even in restricted areas, to make their effects felt. The Agents still complain that malaria still remains an unsolved problem in the Agencies. What would seem to be necessary is to spread the net wider as well as tighter over larger areas to lay this formidable ghost. The net should be spread, though not over whole Agencies, at least over large parts of them where the population is thicker and the scope for development is better. If America has succeeded in reclaiming the Panama Zone from malaria, Italy in reclaiming the Pontine Marshes and Sardinia, and again Britain in holding malaria at bay in Burma and Arakan during the last War, there is no reason why India should not succeed in reclaiming its Agencies also from malaria provided sufficient funds and adequate technical skill are made available. It has been demonstrated during the last War that it is quite possible to free even large tracts of jungle country from malaria and there is evidence to show that, at the present moment, with the help of D.D.T. sprayed from aeroplanes, malaria is being successfully eliminated in Macedonia. Technical skill can be had by getting foreign experts, if necessary, or by getting our own medical men trained in foreign countries. And this technical skill must be utilized in formulating a comprehensive anti-malarial scheme and in carrying it through with promptitude and energy.

But what of funds? How to obtain sufficient funds not only for this anti-malarial scheme, but also for the road scheme? It is not to be expected that the Legislature which consists of plainsmen would grant huge sums of money every year for the benefit of, what might appear to the plainsmen, not so much themselves as the hillmen. Past experience has belied this expectation. Nor is it to be expected that, even if the Legislature is willing now, it will find it easy to provide funds for these purposes from Provincial revenues. Money may be required to the tune of several crores. The only practicable method by which money for this purpose as well as for other purposes connected with the development of the Agencies could be procured would seem to be the one suggested by Mr. Harris, that of floating long-term loans. There

[1] G.O. No. 4414, Public Health, dated 1st December 1939.

appears to be nothing unsound in this policy, seeing that the opening up of the country and the eradication of malaria are likely to lead directly to the economic development of the Agencies. And this economic development is not only likely to bring in more revenue but also likely to solve some of the pressing problems both of the Agencies and the plains.

At present the Agencies bring hardly any revenue. After the country is developed, it is only reasonable to hope that all lands capable of cultivation will be cultivated, all forests capable of exploitation will be exploited, all minerals capable of mining will be mined and a whole net-work of farms and industries established. All this is sure to bring in a large revenue to the State. And even quite apart from being a purely financial proposition, the development of the Agencies is bound, in no small measure, to ease, if not altogether solve, the problems of over-population and undernourishment of the plains. When all the cultivable land in the Agencies is brought under the plough, the Agencies may prove not inconsiderable granaries for the plains; and when large numbers of people from the plains go and settle down in the Agencies and engage themselves in agriculture and industries, the pressure of population in the plains will considerably be relieved. There are no less than 5,000 square miles of non-forest area in the Agencies of which much can be cultivated and no less than 1,600 square miles of forest area of which much can be exploited. It would, indeed, appear that about 3,000,000 people would have to be colonized in the Agencies so as to make them as populous as, for instance, Malabar. Nor is this all. This colonization of the Agencies with educated, thrifty, hard-working, in a word, civilized men from the plains can be safely trusted in a short time to effectually civilize the Agency hillmen who are at present so woefully backward in every respect. This leads us to consider another big problem, the problem of civilizing the hill tribes.

Now the hillmen are backward, illiterate, lazy people, incorrigibly addicted to drink and irretrievably wedded to improvident habits. Because of this they have fallen an easy prey to the plainsmen. Many of the plainsmen who presumably went ages ago to exploit the hillmen have settled down in the Agencies. They number now 49,816 as against 136,730 hillmen in the East Godavari Agency; 48,304 as against 36,739 in the West Godavari Agency; and 61,514 as against 159,923 in the Vizagapatam Agency.[1] Besides these plainsmen there are also other plainsmen who very often resort to the Agencies, practically on all weekly shandy days to exploit the hillmen. The methods which these plainsmen adopt are no other than the methods which have always been adopted by superior races whenever and wherever they have come into contact with savage or semi-savage tribes. They take advantage of the hillman's illiteracy, partiality for drink, idleness, love of feasts and ceremonies and improvidence, and advance him, without demur,

1 Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946.

small loans at extortionate rates of interest and in return quietly appropriate his entire produce and, where possible, even his lands. They purchase the produce brought by him like tamarind, bamboos, kattuparangi, addiakkula leaves, etc., at exceedingly low prices and at the same time sell him the plains goods like rice, kerosene, salt, clothes, etc., at exorbitant prices. And, as if this is not enough, they cheat him at every turn by using false weights and measures and keeping false accounts.[1]

The problem for the Government has always been, for a century or more, how to civilize the hillmen and protect them from the exploitation of the plainsmen. To tackle this problem as also to hold in check the excitable outbursts or fituris of the hillmen, the Government, as early as 1834, adopted a special method of administration for the Agencies. This method has been, with some modifications, followed even to this day. The essence of this method is simplicity in the forms of administration, personal touch and special laws for protection. It is definitely a form of paternal administration with the Agent at the apex of it and the Special Assistant Agents as its limbs, all exercising civil, criminal and revenue jurisdiction conjointly and all doing their utmost to come into closer contact with the hillmen, to understand his needs and to set right his grievances.[2] It has never been asserted that this system of paternal or personal administration ought to be abandoned. Its justification is the backwardness of the hillmen. Doubts, however, have sometimes been cast upon its efficiency in some quarters. It has been said that it has not succeeded in improving the lot of the people for whose benefit it was intended, though it has been in existence all these years.[3] But this, as will be shown presently, is not due to the inadequacy of the system as such, but due to the inadequacy of the measures or policies which this system has been made to adopt. It, therefore, behoves us to examine these policies or measures one by one and to assess the results of each.

Let us first examine the medical policy. In the Agencies, as elsewhere, among the aborigines, the medical men have been the pioneers of civilization and whatever favourable impression the hillman has of this civilization he has received it mostly through them. The art of healing is of all arts the most potent as it removes pain and suffering and the hillmen have not been slow to appreciate the blessings of this art. There is much evidence to show that they are readily responding to modern medical aid and modern medicines. We have, of course, no statistics of the number of aborigines, as distinct from the number of plainsmen, treated in the hospitals and dispensaries in the Agencies. But we have the testimony of the Agents to the effect that the hillmen in many parts of the Agencies are

[1] These methods are best described in G.Os. No. 258, Development, dated 3rd February 1940; No. 268, Development, dated 12th February 1941.

[2] For details, *see* Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946.

[3] *See*, e.g., the Revenue Minister's remarks on page 42 in G.O. No. 1249, Public (Political), dated 26th June 1940.

eager to receive such treatment; and, if the number of patients treated annually in the hospitals can be taken as an index of the popularity of medical aid among hillmen, in 1945–1946 in the East Godavari Agency alone no less than 52,991 patients were treated, of which the number of cases treated for malaria was 10,199[1]. Considering that there are only two hospitals and eight dispensaries in that Agency and considering also that there are only a few Sub-Assistant Surgeons and one Assistant Surgeon in charge of these institutions, the number of patients treated cannot be regarded as few. No figures are readily available of the number of patients treated in 1945–46 in the Vizagapatam and West Godavari Agencies. But they must also have been not inconsiderable, though in these Agencies too the number of hospitals, dispensaries and medical officers are few. There is little doubt that, if these amenities are increased, the hillmen would take more advantage of them. There is, for instance, abundant evidence to prove that Salvarsan treatment is becoming very popular with the Koyas suffering from what is called Koya disease in the East Godavari Agency. It is said that the Koyas there travel 20 miles or more to get this treatment at the dispensaries.[2] Every Agent of every Agency has indeed almost every year asked for more hospitals, more dispensaries, more doctors and more midwives.[3] As it is, therefore, none of these amenities can be said to have been adequately provided for in the Agencies.

Turning to the educational policy, during the last twenty-five years or more several schools have been opened and recently several concessions in the way of free supply of clothes, midday meals, scholarships, books and slates have been held out to the hill tribes. At present in the Agencies there are about 300 schools—Government, Board and aided—with just over 7,000 aboriginal pupils. In the Vizagapatam Agency there are also some adult education centres.[4] The schools in all the Agencies have been placed under the Special Assistant Agents and these officers have been asked during their tours and inspections to encourage parents to send more and more children to schools. The curricula of the schools have also been revised to suit the needs of the people.[5] But what has been the result? Agency schools are still availed of mostly by the resident plainsmen. The hillmen are still reported to be

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1 Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas, (printed) 1946, page 5.

2 G.O. No. 1534, Public (Political), dated 15th September 1939—*see* Report of the Agent, East Godavari.

3 Reports of the Agents in G.Os. No. 1988, Public (Political), dated 20th October 1937; No. 1869, Public (Political), dated 14th November 1938; No. 1534, Public (Political), dated 15th September 1939; No. 1880, Public (Political), dated 26th September 1940; No. 2028, Public (Political), dated 17th September 1941: and No. 2884, Public (Political), dated 16th September 1942.

4 Reports of the Agents in Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946.

5 B.P. No. 814, dated 6th March 1928; G.Os. No. 1055, Education, dated 19th May 1936; No. 181, Law (Education), dated 5th February 1931; also the Vizagapatam Agent's Report in G.O. No. 186(S), Public (Political), dated 6th November 1942.

reluctant to send their children to school, as they do not appreciate the value of education and invariably prefer their children to help them in agriculture, in herding cattle, in chasing away birds and in doing all sorts of domestic work.[1] There is also nothing to show that the Koya and Khond boys who have received education have encouraged their fellowmen to send their children in increasing numbers to the schools. Nor is there anything to show that these educated persons have become useful members of society. In all probability a large number of them at any rate must have relapsed into their primitive habits or are wending their way remote from the public eye. Of what use, therefore, have been the schools to these people? Sometimes the Agents have suggested the opening of more and more schools for civilizing the hillmen, but in the very same reports in which they have suggested this panacea they have avowed that the hillmen are quite averse to education.[1] The policy of educating the hillmen upon the methods hitherto adopted cannot be said to have proved a success. It ought also to be remembered here that this education has not yet weaned the hillmen from their two chief vices, drunkenness and podu cultivation, or given them any adequate protection against the wiles and machinations of the plainsmen.

The Government, however, have not depended on education alone to remove these blots in the Agencies. To check the drink evil they have taken some special measures; to restrain podu cultivation and to remove the hillmen from the grips of plainsmen they have taken a number of special measures. Let us then examine these evils and these measures.

Drunkenness has been the vice of the hillmen from time immemorial. A primitive people given to superstition, feastings, ceremonies and dances, they have like their brethren all over the world taken to drinking to grace all these occasions. And in this indulgence they have been helped by Nature herself who has so lavishly strewn their country with Ippa or Mohwa trees the flowers of which can be easily fermented to yield arrack. For a long time the Government did nothing to deny the hillmen of this cheap arrack so abundantly available everywhere. Then came a time when distilleries were started and the outstill system was gradually displaced by the central distillery system.[2] There are also several areas in the Agencies where toddy is tapped and where the hillmen have been from a long time enjoying the privilege of tapping a certain number of trees on the permit system. Recently in the Godavari Agency, though the scale of trees allowed to each person has not been ordered to be reduced, permits have been ordered to be issued to heads of households instead of the whole villages, with the location of the trees indicated. Under the old system

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1 Agents' Reports in G. O. No. 1988, Public (Political), dated 20th October 1937; and the Board's Proceedings in G.Os. No. 1869, Public (Political), dated 14th November 1938; No. 1534, Public (Political), dated 15th September 1939; No. 1880, Public (Political), dated 20th September 1940; No. 2028, Public (Political), dated 17th September 1941; No. 2884, Public (Political), dated 16th September 1942.

2 Administration Reports of the Agencies since 1918.

check and control were difficult and persons were actually tapping more trees than they were entitled to according to the scale. The new system has prevented that.[1] But, on the whole, there is nothing to show that these measures have reduced drunkenness to any appreciable extent. The drink evil has, in fact, still remained untackled.

Like drunkenness podu cultivation has been for ages going on in the Agencies. Primitive habits, a stubborn conservatism and an innate laziness have been responsible for this most destructive form of cultivation. "A small tract of land on the slope of a hill is cleared at the end of the year and the wood is left to dry in March and April and then burnt. The ashes serve as manure for the crops. The soil is not touched with implements of any kind and with the first rains a variety of cholam known as khonda-jonna, maize, ragi and samai are generally sown . . . Occasionally a small crop is obtained from the same place during the second year but very often the spot is deserted till the jungle grows high enough to tempt the podu cutter and a fresh spot of land on the hill slopes is selected for the next year's cultivation."[2] As a result of this cultivation large parts of forests have been destroyed; many perennial springs which used to exist have disappeared; and the summer flow in the rivers which rise in the Agencies has year by year been diminishing and floods in the rainy weather have aggravated.[3] It is true that certain forests in the Agencies have been reserved but the podu cultivation is still reported to be going on in these forests in spite of fines and punishments.[4] Podu is, of course, rampant in all unreserves.

To induce the hillmen to give up this wasteful method of cultivation and to take to settled cultivation, several facilities have been offered to them by the Government. Loan rules under the Agricultural Loans Act have been framed for the Agencies[5] and the evidence shows that the hillmen are now availing themselves of these loans for purchasing bulls and seeds.[6] Some veterinary institutions and agricultural farms have been set up and the Veterinary Assistant Surgeons and Agricultural Demonstrators have been asked to go into the villages periodically to offer advice and assistance.[7] In the East Godavari Agency in particular, some special measures have been taken recently. Three villages in the Bhadrachalam

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1 East Godavari Agent's Report in G.O. No. 1534, Public (Political), dated 15th September 1939; G.Os. No. 1213, Revenue, dated 29th July 1926; No. 315, Revenue, dated 10th February 1931; No. 1073, Revenue, dated 14th May 1936; No. 2024, Revenue, dated 12th August 1938; No. 2747, Revenue, dated 24th August 1938; No. 2403, Revenue, dated 15th September 1939; No. 2337, Revenue, dated 28th September 1940; and No. 2556, Revenue, dated 8th November 1941.

2 East Godavari Agent's Report in G.O. No. 1988, Public (Political), dated 20th October 1937.

3 G.O. No. 359, Revenue, dated 23rd February 1922, page 4.

4 Vizagapatam Agency Administration Report in G.O. No. 2403, Revenue, dated 21st November 1934.

5 G.O. No. 99, Revenue, dated 17th January 1933.

6 Administration Reports of the Agencies.

7 *Idem.*

taluk were first selected in 1938 and a pair of bulls, two mould-board ploughs and seeds were supplied free to each of these villages and an Agricultural Demonstrator was asked to visit these villages and advise the Koyas on the better methods of conservation of cattle manure, on the advantages of early preparation of paddy nurseries and on the use of different varieties of paddy seeds.[1] This system having been found to work successfully has been extended to six more villages, three in the Bhadrachalam taluk and three in the Nugur, the Chodavaram and the Yellavaram taluks.[2] Some half a dozen Koya boys have also been given stipends and trained (1939) in the Agricultural farm at Anakapalle.[3] But it should not be forgotten that settled cultivation is as yet confined only to the Nugur taluk of the East Godavari Agency, to parts of the Polavaram taluk and the Narasapatam taluk of the West Godavari Agency and the Vizagapatam Agency respectively. In most parts of the Bhadrachalam, Chodavaram and Yellavaram taluks—except in a few riverside villages—of the East Godavari Agency, and of the Parvatipur and Srungavarapukota taluks of the Vizagapatam Agency, podu cultivation is still carried on by the hillmen.[4] All the measures hitherto taken, therefore, must be considered to have yielded only very limited success. The Agents have never been tired of urging for more agricultural farms, more Agricultural Demonstrators, more agricultural loans, more training of hillmen in the agricultural farms and the wider extension of the system of free supply of bulls and ploughs.[5]

In 1938 the Godavari Agent, Sri M. V. Subramanian, suggested that as a first step towards the prohibition of podu cultivation it would be desirable to have a belt round the reserve forest lines and in this belt to prohibit podu, care being taken at the same time to see that there was still a fair area left for podu activities. This, he thought, might serve as a token check on podu, conserve tree growth on the belt and act as a buffer to the forests in the matter of fire protection.[6] But his successor, Mr. Woodhouse, abandoned this scheme considering that the advantages that would accrue from it would be negligible and that it might very much strain the relations between the Forest Department and the hill tribes.[7]

Coming to the protective measures, the most important enactment that has been passed is the Agency Tracts Interest and Land

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1 G.O. No. 807, Public (Political), dated 10th May 1938; also Administration Report of the East Godavari Agency in G.O. No. 1828, Public (Political), dated 27th October 1939.

2 East Godavari Agent's Report in Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946

3 G.O. No. 742, Development, dated 27th March 1939.

4 Reports of the Agents in Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946.

5 Agency Administration Reports and Reports on Material condition and progress of Aboriginal Tribes and very Backward Communities.

6 East Godavari Agent's report in G.O. No. 1869, Public (Political), dated 14th November 1938.

7 East Godavari Agent's report in G.O. 1880, Public (Political), dated 20th September 1940.

Transfer Act, Act I of 1917.[1] The object of this Act is to prevent the alienations of lands of hillmen to non-hillmen and the device by which it seeks to attain this object is by insisting that every transfer of land by a hillman to a non-hillman, whether it be a voluntary transfer under certain circumstances or a transfer decreed by a court, should receive the sanction of the Special Assistant Agents. There can be little doubt that there is a real necessity for this Act. Previous to its passing the plainsmen were simply pocketing the properties of the hillmen for a song, as it were, by lending money at extortionate rates of interest and appropriating the lands for failure to repay the loans. The ignorance and improvidence of the hillmen, which has already been alluded to, provided abundant scope for this nefarious transaction. The Act has in some measure put a stop to this.[2] But there are still loop-holes in this Act, still some omissions, which the evidence before us shows the plainsmen have not been slow to exploit.

One loop-hole was seen even when the Act was on the anvil. In the Bill, as it was originally drafted, Clause 4 (2) provided that the Agent or any other prescribed officer may "*suo motu* or on application by any one interested" decree ejectment against any person in possession of land under a transfer in contravention of Clause 1. But the Government considered that it was not right that an officer should in effect be both plaintiff and judge, even though the hillmen required unusual protection. They, therefore, proposed the omission of the words '*suo motu* or' in Clause 4 (2) and the Bill thus amended retaining only in Clause 4 (2) the words "on application by anyone interested" was passed into law as Act I of 1917.[3] The reason for the original inclusion of the words '*suo motu*' was, it is obvious, to enable the Special Assistant Agents to enquire into the matter of transfers, even when such transfers are not complained of by hillmen or any one interested. The framers of the Bill apprehended that, unless this clause was included in the Bill, the hillmen who were ignorant, but who, at the same time, had a strong sense of obligation to repay debts, would part with their lands to the plains sowcars without the least complaint, without filing in any complaint before the Special Assistant Agents, even though their lands might be appropriated by the sowcars by the most nefarious means. And their apprehensions have proved perfectly well-grounded. Again and again the Agency officers have pointed out that the hillmen's ignorance of the laws and, more often, their blind sense of obligation to clear off debts at any cost have in many instances defeated the object of the Act. Again and again they have suggested that the only remedy for this is to empower

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[1] G.Os. No. 129, Local and Municipal (Legislative), dated 27th September 1916; No. 1493, Home (Judicial), dated 19th July 1917.

[2] This is made clear in the Agency Administration Reports.

[3] G.Os. No. 129, Local and Municipal (Legislative), dated 27th September 1916; No. 1493, Home (Judicial), dated 19th July 1917 and No. 1245, Revenue, dated 26th June 1934.

them to bring the provisions of the Act into operation on their own initiative. But again and again the Government have turned down this suggestion on the ground that it would be wrong to make the officers in effect both the plaintiff and the judge. The utmost that can be done to overcome this difficulty, the Government have stated, is to encourage the hillmen to make applications under Section 4 (2) of the Act and to see that, having put the Act into operation, they are protected as far as possible from the consequence of the action which tends to deprive them of the support of money-lenders.[1] But how this could be done against the wishes of the hillmen themselves they have not stated, with the result that the problem still remains an unsolved problem.

This is not the only loop-hole in the Act. In 1938 the Andhra Provincial Partially Excluded Areas Association represented that, as the law stands, it is possible for the plains sowcars to evade the provisions of the Act in the estates in two ways. First they could, with the connivance of the zamindar or his agents, get a relinquishment of the land of the hillmen and simultaneously obtain an assignment of the same for themselves; and secondly, they could, through the same connivance, bring about a sale of the lands of the hillmen for arrears of rent due to the zamindar and purchase those lands themselves. For, according to the Estates Land Act which is applicable to the Agencies also, neither the relinquishment nor the sale requires any sanction of the Special Assistant Agents. Nor did Act I of 1917, it pointed out, cover such transaction. It, therefore, urged that Act I of 1917 should be amended so as (1) to include, under the definition of transfer in Section 2 (f) of the Act, the sales of holdings for recovery of rents under the Madras Estates Land Act and the relinquishment of holdings and (2) to delete Section 8 (2) from the Act.[2]

The position described by the Association was reported to be substantially correct by Sri M. V. Subramanian, the Agent at East Godavari. "There is no doubt", he said, "that the relinquishment by a hillman is often only a dodge for the money-lender to step in and take over" and he suggested that this loop-hole should be stopped by making relinquishment of lands under the Estates Land Act by members of the hill tribes subject to the approval of the Special Assistant Agents. And he continued: "Regarding the sale of land for rent it is just possible that in this illiterate tract the mere formalities of procedure under the Estates Land Act are not sufficient safeguards and that the lands get sold without the defaulter being aware of the proceedings or for an exceedingly low price." In order, therefore, to prevent this, he suggested that such sales should be scrutinized

[1] B.P. No. 605, dated 27th February 1929; G.Os. No. 281, Revenue, dated 3rd February 1920; No. 2315, Revenue, dated 5th November 1932 and No. 1245, Revenue, dated 26th June 1934.

[2] G.O. No. 84, Legal, dated 27th May 1940.

by the Special Assistant Agents and that a general confirmation by these officers might be provided for under the Estates Land Act or under a notification issued under that Act applicable to the Agency. As a further safeguard, he suggested that the Special Assistant Agents should be asked to refuse confirmation unless the Tahsildars had made personal enquiries and certified that there was no grievance and until the price fetched at the sale was reasonable. Where the sale was twice infructuous for want of adequate offers, he thought that the proprietor might be allowed to purchase at a third sale at 75 per cent of the estimated value. He likewise thought that the Special Assistant Agents should be empowered to take cognizance of oral representations of the hillmen to the effect that the rent claimed by the landlords was high or that the rent for which proceedings were instituted was paid, and also to institute legal proceedings under the Estates Land Act after reducing the representations to writing and collecting court fee. And this, he suggested, could be done by amending Sections 95 (1) and 114 of the Estates Land Act.[1]

Mr. A. D. Crombie, the Agent at Vizagapatam, however, did not consider that any change was necessary. He pointed out that for one thing no cases of fraudulent relinquishment had come to his notice and for another, if the landlords were prohibited from attaching and selling the lands, they would have no means of recovering their rents inasmuch as the hillmen had hardly any possessions except their lands as security for the revenue.[1] But Sri K. M. Unnithan, who soon succeeded him as Agent, thought otherwise. He agreed with the recommendations of Sri M. V. Subramanian observing that, though they might retard prompt realization of rents by the landlords, they would benefit the hillmen considerably by preventing transfers of their lands to outsiders.[2]

The Board of Revenue which considered the matter held that no case had been made out for introducing these changes. It observed that the relinquishments and assignments complained of could happen only " if the hillman and the money-lender both resort to the landholder, the one relinquishing the land and the other accepting the assignment." But of such collusion, it remarked, it had no evidence. Nor had it any evidence, it remarked, to show that the rents in the Agency were high, that a considerable number of sales of land belonging to hillmen for recovery of rent were taking place or that the proper prices for these lands were not being realized. The Board went on: "It is not even suggested under colour of sales for recovery of rents collusive transfers of lands from hillmen to money-lenders are taking place. If rents are high, the proper remedy is to revise them and not to put obstacles in the way of recovery of arrears of rent." It stated that the proposals were calculated to promote unpunctuality in

1 G.O. No. 84, Legal, dated 27th May 1940.
2 *Idem.*

payment of rents and to increase the arrears of rent and thus harm the hillmen themselves besides placing difficulties in the way of the landlords in realizing rents; and that therefore the advantages of these proposals were out of all proportion to their disadvantages. "After all," it wound up, "there are very large number of formalities to be gone through before a land is sold; and the Special Assistant Agent is the authority through whom all processes are taken. The Board considers it superfluous to cumber the process with yet another formality. It is not satisfied about the need for these proposals and it does not consider that any difference in procedure as between hillmen and other ryots is necessary or desirable so far as the recovery of rent is concerned."[1] The Government agreed with the Board (1940)[2] and thus the proposals to prohibit relinquishments and sale for arrears of hillmen's lands in estates, without the sanction of the Special Assistant Agents, came to nothing. It is worthwhile to notice here that the proposals were turned down mainly on two grounds; one, that there was no evidence of collusive relinquishments and assignments and two, that the landlord must have powers for sales for arrears, if he is to realize his rents punctually. The first ground is undoubtedly deceptive: it is not to be expected that most of the relinquishments and assignments of this kind would come to the notice of the authorities, and therefore the fact that only a few instances have actually come to their notice cannot be taken to mean that the evil is not wide-spread. The second ground appears to be somewhat firm; it is difficult to see how the landlord can be expected to pay his peshkash punctually, if he is not allowed, when necessary, to effect a sale of the defaulters' lands.

The loop-holes dealt with above are not the only defects of Act I of 1917. It has been held that the discretion which this Act gives to the Agency authorities to sanction alienations is by itself a defect which must be eliminated, since, in actual practice, it has led to several transfers of hillmen's lands to plainsmen. To remedy this defect it was proposed in 1938 to prohibit alienations altogether. In fact, a temporary ban was then actually imposed on all alienations and the Agents were asked to report on the advisability of its continuance.[3] Upon this Mr. G. H. Cooke, the Agent at Vizagapatam, reported that, "while absolute prohibition of alienations would be a very good thing in the long run, it would be likely to hit the hill tribes very hard during the first two years unless the Government were prepared to introduce credit and marketing facilities."[4] Sri M. V. Subramanian, the Agent at East Godavari, while agreeing that the absolute ban would be beneficial, wanted to go even a step further. He wanted the ban to be imposed not only on alienations about which complaints are filed under the Act but also on sales of immovable properties in execution of decrees. He

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1 B.P. No. 1612, dated 12th February 1940

2 G.O. No. 84, Legal, dated 27th May 1940.

3 G.O. No. 1249, Public (Political), dated 26th June 1940, pages 1–2.

4 *Idem*, page 3.

did not apprehend that the credit of the hillmen would in any way be impaired by such a ban since land was not a bait for the plains sowcars, but the produce.[1] He elaborated his ideas thus: "The proposal of the Government is to prohibit any kind of voluntary alienation. If we stop with that, there will still be the sale of immovable properties in the execution of decrees. There also discretion is given to the Special Assistant Agents and the Agent and there would be cases of acceptance as well as rejection. The point there considered is whether the hillmen will have sufficient land left for sustenance. Anyway, many cases that now come up in the shape of voluntary alienations will then be coming up, after a further process, in the shape of application for execution of decrees. It would be logical to prohibit altogether the sale of immovable properties in execution of decrees also. This would raise the question whether the same kind of credit which the hillmen get would still be forthcoming. It would be, only if the sowcar is getting money repaid in the shape of produce. This is how in most cases it is being repaid now and the terms are in effect exorbitant; and I do not think that the fact that land is available in the offing and as an off-chance tends substantially to mitigate the terms of the loans. In this view I do not think that a total prohibition in both the cases mentioned above would make a substantial difference, for even under the existing conditions the loans are advanced without taking the existence of the land into consideration as a factor in repayment. The sowcar banks upon the good faith of the hillman in giving up his produce at the stipulated rates after the sale of his produce. That good faith is a factor that would remain unimpaired by the proposal now under consideration and the sowcar may be expected to continue to bank on that good faith."[2]

Sri M. V. Subramanian, however, did not believe that this total ban would be a solution of the problem of indebtedness which is the real problem. This problem, he observed, can be solved satisfactorily only by devising means by which the hillmen might be relieved from the necessity of having to go to the sowcar at all; such as by the more liberal grant of takkavi loans for agricultural purposes, by the starting of co-operative stores and sales depots and by the alteration of the kistbandi of the hillmen as well as the muttadars.[3] "I gathered from my tour in Yellavaram," he said, "that part of the borrowing from the sowcar is to pay the rentals of the muttadars and these payments have to be made at a season when the produce has not been harvested. I am considering the question whether the muttadars cannot be directed to alter their kistbandi to a period commencing after the period of harvest and after the sale of the hill produce, the sale of which the hillman relies on for making the payments, the dates for payment by the muttadars of their kistbandi being altered accordingly. This

1 G.O. No. 1249, Public (Political), dated 26th June 1940, pages 6–9.

2 *Idem*, pages 7–8.

3 *Idem*, pages, 8–9.

would also, to some extent, obviate the necessity of the hillman to have resort to the sowcar."[1]

These proposals were sent by the Board of Revenue to Mr. A. D. Crombie, who had succeeded Mr. G. H. Cooke as the Agent at Vizagapatam, for his remarks. Mr. Crombie commended the entire prohibition of the sale of immovable properties of the hillmen even in the execution of decrees as being "conducive to the betterment of the hillmen." He also agreed that the Agency Tracts Agricultural Loan Rules, 1933, should be modified to enlarge their scope. As it was, these rules permitted grant of loans to the hillmen only for the purchase of seed-grain and cattle, whereas the Agricultural Loan Rules, 1933, applicable to the plains, permitted the grant of loans not only for these purposes but also for several other purposes, such as for rebuilding houses destroyed by fire, planting coffee, tea, cinchona, and fruits like coconut, mango, orange, etc., cultivation of sugar-cane, construction of cattle-sheds and so on. The rules as applicable to the plains might, he said, be as well made applicable to the Agencies and even larger loans than are granted now might be allowed. He made another suggestion in this connexion. Under the Land Improvement Loans Act of 1883, he pointed out, no special rules have been framed for the Agency areas. Once land is made inalienable, the hill ryot, he remarked, would find it difficult to secure money to improve the land, for example, to convert dry land into wet. For this purpose he recommended that loans not exceeding Rs. 250 might be granted on security similar to that of the agricultural loans. But, while he thus wholly agreed with the views of Sri M. V. Subramanian in the matter of total ban on alienations and the widening of the scope of the Agricultural Loan Rules and also suggested the grant of liberal loans under the Land Improvement Loans Act, he did not agree with his view that alteration of the kistbandi would tend to the benefit of the hillmen. His reasons for this he stated as follows: "In the Vizagapatam Agency land revenue is collected in the unsettled tracts in two equal instalments payable in November and February. In the settled villages the assessment on the dry land is being collected in four equal instalments payable in December, January, February and March, while the assessment on the wet lands is being collected in three equal instalments payable in January, February and March. The change in the kist months may satisfy agitation but kist due in November in Agency is expected to be paid out of the dry crops. Collections of all kists from January to March will not be easy as the hillman who rarely thinks of the morrow is likely to have spent what he gets from dry crops by that time. The difficulty will be even greater when his wet lands do not yield a good crop."[2] For these reasons he was inclined to think that having later kist months would not be of benefit to the hillmen.

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[1] G.O. No. 1249, Public (Political), dated 26th June 1940, pages 8–9.

[2] G.O. No. 1249, Public (Political), dated 26th June 1940.

The Board of Revenue approached these questions from a different angle altogether. It said that absolute prohibition of alienations was indeed imposed by law for many years in the Nugur taluk before that taluk was transferred to the Madras Province from the Central Provinces but that evidence showed that this law did not work well at all. It thought that the complete prohibition of alienations is not the correct policy, that the sounder policy is to allow alienations under control ensuring that the hillmen do not lose by the transaction. It observed that it should be the duty of the Special Assistant Agents to scrutinize the reasons for and the terms of, any proposed alienation and that they should accord permission if the price agreed upon was reasonable, the debt, if any, discharged was genuine and legally due and the alienation generally was one which a managing member of a Hindu joint family was competent to make without the consent of the co-parceners. It remarked that, if the Special Assistant Agents had been according permission without scrutiny, the position could be set right by executive instructions. The object of the Government, it observed, should be to prevent improvident alienations and not alienations as such. Nor was an absolute ban on alienations, it commented, conducive to the prosperity of the tracts which, at any rate, were fast becoming plains in character by the influx of the plainsmen, as, for instance, the border villages of Polavaram. The power to alienate land, it went on, is a sign of advancement and therefore it must be retained in marginal areas which are qualifying for removal from the partially excluded areas. In regard to the alteration of the kistbandi, it agreed with Mr. Crombie that no case had been made out for a change in the Vizagapatam Agency and remarked that, so far as the East Godavari Agency was concerned, it would be desirable to ascertain the views of the muttadars before any change was made. As to the enlargement of the scope of the Agency Tracts Agricultural Loan Rules of 1933 and the Land Improvement Loans Act of 1883, it simply dismissed these matters by saying that, since they were supplemental to the proposal for prohibiting alienations to which it was opposed, it was unnecessary to deal with them.[1] Upon this the Government upheld the views of the Board, lifted the temporary ban on alienations and contented themselves by ordering that the powers to refuse approval to alienations should be used by the Agents only to prevent improvident alienations.[2] It must also be added here that there is nothing to show that the kistbandi in the East Godavari Agency was altered at any subsequent date.

Thus were the proposals assailed and turned down by the Board. We must, however, confess that the arguments used by the Board to turn them down do not appear to be very convincing. The evidence on the failure of the absolute ban on alienations in the Nugur taluk, on which the Board relied, is too slender to be convincing. It simply consists of a few observations made by one of the officers.[3] Nor is the advice which the Board offered,

[1] G.O. No. 1249, Public (Political), dated 26th June 1940, pages 12–17.
[2] *Idem*, page 52.
[3] G.O. No. 1692, Revenue, dated 27th August 1934, paragraph 4 of Appendix IX.

namely, that the policy ought to be to prevent improvident alienations as such, quite convincing. If it is admitted that the right way to civilize the hillman is to make him accustomed to settled cultivation—and, after all, it is for this that so much pains are taken—that, unless this is done wherever possible, there is a danger of his relapsing into podu or into some other semi-savage occupation, it must be equally admitted that the policy ought to be not to deprive him of his land under any circumstances, to save him in spite of himself, by an absolute ban on alienations. Again, the argument that power to alienate land is a sign of advancement and as such should be retained is convincing only so far as the marginal areas which are becoming fast plains in character are concerned. It is rather unconvincing so far as the vast areas of hill tracts are concerned, where the hillmen are still too ignorant to exercise this power with advantage to themselves. Further, the way in which the Board dismissed the question of alteration of kistbandi in the East Godavari Agency, and the more important questions of widening the scope of the Agency Agricultural Loan Rules and the Land Improvement Loans Act shows that it wanted to postpone the issues, and not to solve them.

It has been held that it is not enough to prohibit the alienations of land alone to protect the hillmen from the exploitation of the plains sowcars. It has been urged that for this purpose it is also necessary to prohibit the sale of produce to the plains sowcars and, at the same time, to start Government co-operative societies for affording credit and marketing facilities to the hillmen. In 1937, Sri V. N. Kudva, the Agent at East Godavari, pointed out that, although Act I of 1917 protected the lands of the hillmen to some extent, it gave no protection to the produce of these lands and that complaints were often received about the produce of lands and topes being enjoyed for years by plainsmen who had advanced comparatively small sums as loans.[1] Upon this the Board of Revenue was asked to consult the Agents and to submit its remarks. Sri M. V. Subramanian, who succeeded Mr. Kudva as the Agent at East Godavari, admitted the existence of this evil and suggested as a remedy that Section 4 of the Act might be suitably amended to protect the produce of the hillmen and at the same time credit and marketing facilities might be provided through the agency of Government co-operative societies. Sri K. M. Unnithan, the Agent at Vizagapatam, likewise admitted that the evil did exist but considered that it would be difficult to devise legislation to meet it without interfering with the freedom of action of the hillmen. The proper way to tackle the problem, he thought, was not to legislate but to provide credit and marketing facilities through Government co-operative societies, even though such societies might encounter for some years much opposition from the plains sowcars who would naturally try to wreck them. The Registrar

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[1] East Godavari Agent's Report in G. O. No. 181, Public (Political), dated 31st January 1938.

of Co-operative Societies who was also consulted, considered that, as the hillmen were ignorant and illiterate, it would be difficult to open co-operative societies even with Government aid, but he suggested that a sort of general stores *cum* sales depots at convenient centres, preferably at places where weekly shandies are held, might be opened and run by officers of Government. These depots, he suggested, should purchase all the produce from the hillmen and sell them plains goods at reasonable prices.

But the Board of Revenue did not favour the proposals. It considered that no amount of legislation would protect the produce of the hillmen so long as they remained backward and that therefore it was undesirable and unnecessary to amend the Act. It also considered that the proposal to open stores *cum* sales depots was unsound since it would introduce a fundamental change in commercial policy and provoke an outcry from the commercial community such as there was when the Government stimulated the fish and jam-canning industries. Nor would an attempt by the Government to deal with a great variety of goods, it proceeded, promise to succeed. And, as at this time the Forest Department was trying an experiment of purchasing tamarind from the hillmen and selling it by auction, the Board advised the Government to await the results of this experiment before opening the stores *cum* sales depots. The Government agreed with the Board and, in this manner, the proposal to prohibit the sale of hillmen's produce also fell through.[1]

The tamarind scheme was proposed by Mr. C. C. Wilson, the Chief Conservator of Forests, with the double object of preventing loss of revenue under seigniorage fee and preventing exploitation of the hillmen by the plains sowcars. He found that under the existing system the sowcars who purchased tamarind from the hillmen evaded in several ways the seigniorage fee which they were bound to pay to the Government before removing the tamarind. He also found that these sowcars were at the same time cheating the hillmen both in purchasing the hill produce and in selling them the plains goods by the use of false weights and measures. He likewise found that these sowcars were duping the hillmen by purchasing their produce at exceedingly low prices and selling them the plains goods at exorbitant prices. All this, he thought, could be prevented by establishing Government depots for the purchase of tamarind at convenient centres. He recommended that the scheme might be tried in the first instance in the Rampa Agency where every year more than 50,000 maunds of tamarind were sold by the hillmen. Under his scheme (1) depots were to be opened at Rampa-Chodavaram, Addatigala and Devipatnam: (2) the hillmen in these areas were to be compelled to sell all their tamarind to these depots; (3) they were to be paid a price approximately equal to 50 per cent of the selling price at Rajahmundry; (4) this price

1 G.O. No. 1250, Public (Political), dated 26th June 1940.

was to be paid to them in cash on the spot; (5) an officer not below the rank of an Assistant Conservator was to be employed to weigh the produce and pay the cash; (6) this officer was for this purpose to attend the shandies at Rampa-Chodavaram on Sundays, at Devipatnam on Mondays and at Addatigala on Tuesdays; and (7) all the tamarind so purchased was to be sold in auction to merchants. Mr. Wilson estimated that this scheme, besides immensely benefiting the hillmen, would bring in an annual profit of about Rs. 50,000 to the Government.[1] Sri M. V. Subramanian, the Agent at East Godavari, approved this scheme and suggested also that these depots might usefully be made to function as purchase *cum* sales stores for all forest produce and plains goods.[2] The Board of Revenue, however, showed more caution in approving the scheme. It agreed that the scheme had this great merit that the Koyas would benefit under it by any increase in the price at which tamarind was selling at Rajahmundry. They would of course suffer, it said, by any decrease, but it pointed out that they were suffering so even under the existing system and that, if the Forest Department worked the scheme carefully, the Koyas would soon appreciate the reason for the decrease. All the same, it remarked that the scheme would have to face considerable opposition from the sowcars who would be deprived of their enormous profits and from the permit gumasthas and thanahdars who would lose their appointments. These two classes, it thought, were likely to exploit any objections to the scheme which the Koyas might have. The schemes also, as it was drawn up, appeared to the Board unworkable since the Assistant Conservator would not be in a position to visit every week the three shandies on the three specified days. Further the scheme, it pointed out, involved the Government in capital outlay and substantial advances for buying the tamarind. Nevertheless the Board advised that the scheme might be given a fair trial; and the Government, after some correspondence, ordered that the scheme might be tried for a season (6 months) only at one place, namely, Rampa-Chodavaram.[3]

While this scheme was under trial, Sri S. A. Venkataraman, the Registrar of Co-operative Societies, examined the question of starting co-operative societies and stores—a question which had been raised by the Agents more than once—and formulated a definite scheme for organizing them. He saw that the exploitation of the hillmen by the plains sowcars was so wide-spread and serious that it ought to be put an end to without further delay. He observed that at Rampa-Chodavaram the hillmen were losing every year not less than Rs. 15,000 over the sale of their tamarind alone; that in the Vizagapatam Agency they were every year losing over Rs. 1,50,000 over the sale of their forest produce. Excessively low prices and false weights and measures in purchasing

[1] Mr. Wilson's Report in G.O No. 258, Development, dated 3rd February 1940.
[2] Agent's Report in G.O. No. 258, Development, dated 3rd February 1940.
[3] G.Os. No. 258, Development, dated 3rd February 1940; No. 853, Development, dated 17th April 1940.

produce and excessively high prices and again false weights and measures in selling plains goods coupled with loans and advances at usurious rates of interest, these, he found, were the bane of the existing system. And he wanted to replace this system by co-operative purchase and sales depots or societies. He knew that the tamarind scheme was then being tried but he stated that the element of compulsion involved in the scheme was a defect which legitimately gave room for criticism. He therefore wanted to organize the hillmen into co-operative societies for purposes of collection, storage, marketing and sale of minor forest produce of all kinds. Two societies, he thought, could be organized, one in the East Godavari Agency and the other in the Vizagapatam Agency. The East Godavari society could have godowns *cum* stores at Addatigala, Devipatnam and Rampa-Chodavaram; the Vizagapatam society could have godowns *cum* stores at Narasapatam, Krishnadevipeta, Kondasanta and Chudigumala. The societies would purchase all the produce, store it until a favourable opportunity and sell it to the most suitable markets in the plains, if necessary, through the Provincial Marketing Society. They would buy the plains goods required by the hillmen and sell them the same on the indent system.[1]

This scheme, he however pointed out, would never work unless the hillmen are compelled to sell the produce to the societies alone, unless the societies are managed by Government officials and unless intensive propaganda is carried on on its behalf not only by the officers of the Co-operative Department but also by the officers of the Forest and Revenue Departments. He argued that to compel the hillmen to sell the produce to these societies would not be objectionable as these societies were "their own associations intended to promote their own economic interests." One feature of the scheme which might involve some risk, he remarked, was that it would be necessary to make outright purchases of hill produce by the societies; but this, he said, cannot be avoided since the hillmen are accustomed to sell for ready cash and would not agree to leave their produce with the societies for a favourable sale at a later date. This risk, however, he stated, can be considerably minimized by the supervision of responsible Government officials. He anticipated no difficulty so far as the financing of the scheme by the Central Banks was concerned; but, if these banks were not prepared to help, the Madras Provincial Bank, he felt sure, would come to the rescue.[1]

By the time this ambitious scheme came up for consideration, the tamarind scheme described earlier had ended in a failure. The reasons for this are not far to seek. It will be remembered that this scheme was originally intended to cover the entire Rampa country through the agency of three depots, but that eventually it was confined only to one depot at Rampa-Chodavaram. This naturally resulted in a diversion of most of the produce to other

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1 Registrar's Report in G.O. No. 268, Development, dated 12th February 1941.

centres where it could be sold to plains sowcars. Moreover, by the time the Government opened the depot and made it compulsory for the hillmen to sell the produce to the depot alone, some two months of the season elapsed and during this interval the sowcars with their old established connexions gained a long start. Again, since it was known that the scheme would be in operation only for 6 months, stocks were held back in the villages for disposal later on to the sowcars. Further the crop also of the season was poor, and the sowcars put up their prices in competition. To cap this all, errors were committed in fixing the purchase as well as the sale price of tamarind. In consequence of all this, the depot was able to collect only 4,414 maunds instead of the 50,000 maunds anticipated and the Government lost about Rs. 2,000. These reasons show as plain as chaff that the scheme was not given a fair trial. And yet Mr. W. G. Dyson, who succeeded Mr. Wilson as the Chief Conservator, did not recommend another trial. The only reason which seems to have weighed with him in discouraging the scheme seems to have been his profound belief that the sowcar "whatever his villainies" served a good purpose in keeping the Koyas going with advances during the off season.[1] So it was that the scheme launched by Mr. Wilson with so much hope and enthusiasm was wrecked by Mr. Dyson.

The failure or the supposed failure of this scheme, coming, as it did, when the scheme of the Registrar of Co-operative Societies was under consideration, gave the latter no chance of success. An atmosphere of suspicion and frustration is unfavourable to any ambitious achievement, and both Mr. Dyson and the Board of Revenue, influenced by this atmosphere, saw no better prospect of success for the purchase *cum* sales stores.[2] The Registrar also, it will be recollected, had needlessly weakened his scheme by calling it erroneously a co-operative enterprise and drawing a somewhat nice distinction between the nature of compulsion involved in it and that involved in the tamarind scheme. The Board pounced upon this error and, magnifying it out of all proportion, discredited the entire scheme. It said that it saw no essential difference between his scheme and the tamarind scheme. It said that "the essential elements" of co-operative system were "not apparent" in his scheme; that the main idea behind it seemed to be that all the work then being done by private sowcars should, thereafter, be done by a number of officials of the Co-operative and Forest Departments with this difference that all hillmen were to be legally prohibited from changing their new official sowcar. It doubted whether the mentality of the real hillmen, with perhaps a few exceptions, was equal to the understanding of co-operation; and this understanding, it went on, was very unlikely to be promoted under the proposed scheme involving, as it did, a degree of compulsion which would necessarily be attended with annoyance by petty officials. The result would be, it

[1] G.O. No. 2627, Development, dated 13th November 1940.
[2] *See* their views in G.O. No. 268, Development, dated 12th February 1941.

commented, annoyance and resentment among hillmen. From this line of argument which boded ill for all co-operative organizations in the Agencies, whether they be run by the hillmen themselves or by the Government officials, the Board switched on to another line of argument the unsoundness of which is obvious. It continued: "There is yet another difficulty. The Registrar's proposals include what amounts in practice to repudiation of existing obligations of the hillmen to the sowcars. The hillmen, though backward in many ways, have a sense of honesty which is rarely found elsewhere. They owe money to the sowcars and they expect to pay their debts. And the Board is not in favour of proposals tending to weaken this instinct among hillmen . . . The sowcars in the Agency do not appear to be so outrageous as they have been represented to be."[1] If, indeed, the hillmen are to be allowed freely to discharge their obligations, and, if the sowcars are not outrageous, there is no need to have any special laws or any special system of administration for the Agency areas. Anyway, the Board declared itself unable to support the Registrar's scheme and the Government agreed with the Board and ordered it to be dropped on the ground that it "is devoid of the essential principles of co-operation" and involved in effect compulsion of the hillmen to sell their produce through Government agencies.[2]

Thus it was that in 1941 the scheme for organizing purchase *cum* sales stores on a co-operative basis under Government management was consigned to limbo. Thereafter nothing appears to have been done in that direction, though there is some evidence to show that in a couple of instances the Government assisted the formation of co-operative societies of hillmen.[3] And in this connexion it is important to remember that the co-operative societies that now exist in the Agencies—some eighteen in number—are mostly societies of plainsmen in which the hillmen have no share or what little share they have is practically negligible. There is nothing to indicate that these societies serve the interests of the hillmen, nor is there anything to indicate that they have in the least tended to lessen the exploitation of the hillmen by the plains sowcars.

But, while the Government have in this manner, since the passing of Act I of 1917, taken no special measures to protect the hillmen from the exploitation of the plains sowcars, they have, it must be stated, taken some important measures to mitigate generally the lot of the hillmen. They have extended the Agriculturists' Relief Act to the Agencies (1938)[4] and, though there is not much evidence to show as to how this Act has actually worked, it may be surmized that it must have conferred not a little benefit on the Agency agriculturists—hillmen as well as plainsmen. They have passed Regulation II of 1940 to amend Act I of 1917 fixing

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1 Board's Report in G.O. No. 268, Development, dated 12th February 1941.
2 G.O. No. 268, Development, dated 12th February 1941.
3 *See*, e.g., G.Os. No. 471, Development, dated 12th March 1941; No. 186 (S), Public (Political), dated 6th November 1942.
4 G.O. No. 1506, Public (Political), dated 5th September 1938.

the maximum rate of interest on the debts borrowed by hillmen at 6¼ per cent instead of at 24 per cent.[1] They have abolished vetti labour (1938)[2]—underpaid or free customary labour—and gothi labour (1940)[3]—a form of debt bondage which often descended from father to son—both vicious, harassing and unjust vestiges of hillmen's slavery. It cannot, however, be said that these forms of oppressive labour have completely disappeared from the Agencies. It is one thing to legislate but it is quite another thing to enforce this legislation against long-standing evils. There is, at any rate, some information to show that a form of underpaid vetti labour continued to be employed by the Forest Department in the East Godavari Agency even after the abolition of vetti, until it was detected by Sri M. V. Subramanian, the Agent, and, upon his advice, put a stop to by the Government.[4] And last, but by no means least, they have made a political gesture to the hillmen by forming them into a backward constituency and nominating one of them to the Provincial Legislature.[5]

We have thus weighed the problems of the Agencies and assessed the measures taken or suggested to solve them. We have seen that the Agencies are very rich in natural resources, agricultural, forest and mineral but that no endeavours have yet been made to tap them. We have seen that these resources can never be properly tapped, that the country in spite of its vast economic wealth can never be properly developed, unless it is opened up by roads and railways and rid of the terrors of malaria. We have seen that what has yet been done to open up roads and minimise malaria amounts to very little or practically nothing when compared with the immensity of the task ahead. We have seen that this neglected but promising corner of our Province is peopled mostly by hillmen, backward in every respect, wanting in all the graces of civilization, illiterate, ignorant, excitable races addicted to drunkenness and wasteful methods of cultivation and condemned to perpetual exploitation by their own civilized neighbours, the rapacious sowcars of the plains. We have seen that to protect their interests and to prevent their fituris, the Government have from a long time established over them a form of paternal administration by Agents and Special Assistant Agents, that this administration has sometimes been assailed and dubbed a failure but that its failure is to be ascribed not so much to its inherent defects as to the policies and measures it was made to pursue. We have seen that everything that has hitherto been done to provide the hillmen with medical aid, to educate them, to wean them from drunkenness and podu cultivation and to protect them from the

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1 G.O. No. 84, Legal, dated 27th May 1940.

2 G.O. No. 242, Public (Political), dated 8th February 1938.

3 G.O. No. 1408, Public (Political), dated 19th July 1940.

4 Letter of the East Godavari Agent in G.O. No. 1534, Public (Political), dated 15th September 1939; G.Os. No. 1880, Public (Political), dated 20th September 1940; No. 988, Public (Political), dated 15th March 1941.

5 Factural Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (printed), 1946.

exploitation of the plains sowcars has proved inadequate, in some respects, totally inadequate. What then can now be done to develop the country and civilize the hillmen is a question which demands careful consideration.

It would appear that both these objects can best be achieved only by inducing the right type of plainsmen to colonize the Agencies. It is needless to say that the hillmen are too backward to exploit the resources of the country. It is also needless to say that the plainsmen who are already there are quite unequal to that task. Being mostly traders and petty money-lenders they are there not to exploit the country but to exploit the hillmen. There is nothing to show that they have, except in a very few places, except in Nugur and Polavaram, set a pattern to emulation in civilization. What would appear to be necessary is colonization on a large scale by a different type of plainsmen altogether, by farmers, planters, artisans and by honest traders and industrialists, by men of skill, thrifty habits, enterprise and capital, by men, on the whole, on a higher level of advancement, who would be able to diffuse the arts of civilization over a wider area, over the whole of the Agencies, in course of time. They might be trusted to develop and civilize the Agencies. They might and, indeed, they will profit themselves; but in profiting themselves they would also be profiting others by setting an example in all matters. There can be no doubt that, if this colonization is encouraged under proper precautions, the Agencies would soon cease to be the wildernesses that they now are and become *entrepots* of commerce and industry. Nor can there be any doubt that this colonization will tend to effectually civilize the hillmen. Officers of Agency experience have sometimes held that the only way of properly civilizing the hillmen is by bringing them into more and more contact with the right type of settlers from the plains. Such has been the view, for instance, held by Sri R. A. Gopalaswami and Sri V. N. Kudva. They have seen that, where the hillmen have come into closer contact with plainsmen agriculturists, the hillmen have given up podu and taken to settled cultivation. They have seen that this closer contact has, in general, not a little contributed to civilize the hillmen. Sri R. A. Gopalaswami has observed: "If the Koya of Nugur is now superior to the Koya of Bhadrachalam and has emerged from the primitive type of conception that the axe is the only implement of agriculture, it is because a kind providence has confined him to a narrow strip of fertile plain between the plateau and the river in close contact with a large body of more civilized cultivators from whose neighbourhood he cannot run away." Sri V. N. Kudva has said: "The best way to spread improved methods of cultivation is not by precept but by experience gained from contact with plainsmen . . . There is no doubt that the greatest advance made by the hillmen is in areas where they are in close contact with more civilized people . . . It seems to me that the best way to civilize the hillmen is to afford opportunities for them to come into contact with the plainsmen

provided that steps are taken to ensure that it is healthy." Sri Kudva has also alluded to certain instances of Koyas conforming to the manners and customs of the plainsmen owing to continued close contact.[1]

Colonization, indeed, seems to offer far better prospects than the measures which have till now been adopted to civilize the hillmen. As has been shown, mere opening of schools has not yet educated the hillmen; mere setting up of agricultural farms, giving of agricultural training and granting of agricultural facilities have not yet induced them in any appreciable numbers to take to settled cultivation. Even the hospitals and dispensaries which they have come to appreciate better cannot yet be said to have popularized among them modern medicines and treatment. Salvarsan treatment is no doubt gaining popularity among them but not so are treatments for malaria and other diseases and still less midwifery and public health measures. Nor is this all. The hillmen have not yet come to fully appreciate even the special administrative and legislative measures devised to safeguard their interests and to contribute to their welfare. This ignorance, this apathy, this continued backwardness in spite of all that has been done in all these years shows that something vital is sadly wanting. Not that these measures hitherto introduced are useless in themselves; they have their own uses provided they are planted and nurtured in a wholesome atmosphere. The creation of this wholesome atmosphere, the favourable circumstances wherein the seeds sown may grow and not wither and die away is the most important factor; and this, it would seem, can be created only by letting in a fresher and more vigorous energy in every direction in the Agencies by colonization.

Having thus admitted that both in the interests of developing the country and in the interests of civilizing the hillmen it is essential to attract the proper type of plainsmen to the Agencies, the problem next to be considered is how to do this. First and foremost, the country has to be opened up, at least such parts of it as appear to be most promising, by roads and other means of communication. Secondly, those parts will have to be freed from malaria. Thirdly, a vigorous propaganda about the possibilities of Agency development will have to be carried on in the plains among the agricultual and industrial classes. Fourthly, the agricultural classes who are willing to colonize the Agencies may have to be assigned lands on easy terms and assisted with loans to improve them and the industrial classes may have to be given protection and State aid for encouraging the starting of industries. And finally, all classes will have to be provided with the minimum modern amenities like schools and colleges, hospitals and dispensaries, post and telegraph offices.

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[1] East Godavari Agent's Report in G.O. No. 1988, Public (Political), dated 20th October 1937.

All this means money, perhaps some crores. It may not be possible to find this large sum from the revenues of the Province; and, even if this is possible, it may not be easy to induce the Legislature, composed as it is of the majority of the representatives of the other parts of the Province, to grant it. The only practicable way of finding the money would seem to be that of floating long term loans. There can be no objection to this course seeing that the development of the Agencies is likely to bring in, in due course, a large revenue to the State.

No obstacles are likely to present themselves to colonization in ryotwari and muttadari areas. In both these areas the Government own the proprietary right in the land, in the forests and in the minerals. The muttadars have no such rights. They have no right to alienate the muttas by sale or gift or mortgage. They have only the right to collect a fixed revenue—as fixed from time to time by the Agents—and to receive a remuneration for so doing either in cash or in the shape of grants of land and trees free of rent. And even these rights have no statutory basis and have been permitted to be enjoyed only as a matter of policy. They can all be taken away, should it become necessary to do so.[1] Colonization of the ryotwari and muttadari areas, therefore, by agriculturists, planters and industrialists is not likely to present any serious difficulties. In the zamindari areas, however, the zamindars possess the proprietary right in the land as well as in the forests and minerals. It may be that in these areas the zamindars might raise obstacles to colonization. The best policy would seem to be to abolish the zamindari system, to acquire the estates, to convert them into ryotwari and then to colonize them by hardy peasants and enterprising planters and industrialists. But, whether it be in ryotwari, in muttadari or in zamindari areas, care should be taken to reserve sufficient land for the agricultural use of the hillmen.

Moreover, it must be seen that this colonization of the plainsmen does not lead to the exploitation of the hillmen. The lessons of history all the world over warn us to be cautious in bringing two civilizations, the one superior and the other inferior, the one much advanced and the other much backward, into intimate contact with each other. Unless some effective safeguards are devised, the superior may gradually exterminate the inferior. The weaker have always to go to the wall before the stronger and the art of modern Government chiefly consists in devising safeguards for preventing this disaster, for seeing that the interests of the one are not sacrificed for the interests of the other. Fortunately, the safeguards in essentials have already been provided for in the Agencies; and they may have to be simply modified here and there to suit the

1 G.Os. No. 87, Revenue, dated 4th January 1929; No. 128, Revenue, dated 21st January 1929: No. 109, Judicial, dated 16th January 1880; No. 1666, Revenue, dated 27th July 1929: No. 2587, Revenue, dated 11th December 1929; No. 2162, Revenue, dated 27th August 1938; No. 1153, Revenue, dated 11th June 1934.

growing needs. Thus the paternal form of administration is already there and it will have to be continued until the hillmen learn to take care of themselves. Instead, however, of having three Agents as at present, it would be advisable to have a single Agent in charge of all the Agency areas. This is bound to lead—as it once led though for a short period—to better coordination and continuity in administration. So also Act I of 1917 is already there to protect the interests of the hillmen against the plainsmen. It would, however, be necessary to stop the loopholes of this Act and to make it an effective weapon of protection. It would be necessary to prohibit altogether the transfer of hillmen's lands to non-hillmen, including sales in execution of court decrees. It would be necessary in estates to prohibit collusive relinquishments and assignments. It would be necessary, whether in estates or in ryotwari areas, to prohibit the alienation of hill produce. It would even be necessary to protect the hillmen in spite of themselves by empowering the Agency officers to enquire on their own initiative into all transfers of hillmen's lands as well as produce to non-hillmen. All this would amount to depriving the hillmen of the facilities which the plains sowcars now afford them. These facilities should, therefore, hereafter be provided by the State. The State would have to grant them more liberal loans under the Agency Agricultural Loan Rules and the Land Improvement Act. The State would have also to run purchase *cum* sales stores to purchase all hillmen's produce and to sell them all the plains articles and stores they require.

These special measures are bound to give rise to a clamour from the plains sowcars and merchants who will suddenly find themselves deprived of all the means of exploitation of the hillmen—an exploitation upon which they have been growing fat for generations. But this clamour ought not to be allowed to stand in the way of reforms undertaken in the interests of the hillmen. For one thing, this exploitation is unjust in itself and for another, the hillmen have always been considered to require protection against the plainsmen and what is now proposed is only to make this protection effective.

And here we must dispose of once for all the question whether it is necessary or expedient to use compulsion. It may be urged that the colonization which has been suggested above might make it in the long run unnecessary to resort to compulsion in many matters. It may be urged that it might be trusted to spread the blessings of civilization and to remove the evils of darkness and ignorance But this can be true only in certain matters like education, sanitation, etc., the blessings of which can be more readily perceived and enjoyed. It must, however, be realized that without compulsion no inveterate, deep-rooted evil can be easily eradicated in any society, much less in a society incapable of understanding what is good and what is bad for its welfare. If it has been considered necessary to resort to compulsion to suppress the evil of drink

among the plainsmen, there is no reason why it should not be considered necessary to suppress the same evil as well as other graver evils among the hillmen. It is idle to imagine that the hillmen could be induced by persuasion to give up drunkenness and podu cultivation to which they have been accustomed for ages. It is equally idle to imagine that they could be induced not to pawn their lands and produce to the plains sowcars to satiate their age-long improvidence. Compulsion would be needed to put an effectual stop to all these evils and malpractices, at any rate, in the initial stages, until the hillmen are civilized, until they are able to look after their own interests.

It may be said that this compulsion might produce fituris among these excitable semi-savages. True, it might do so; but these fituris will have to be suppressed, if necessary, by stern measures. After some futile attempts, the hillmen, like other men, would learn that it is wise to submit where the odds are too strong against them. After all, once the country is opened up by roads, armed forces can be moved easily to any part where the trouble is brewing; and the terror of an armed force being near, ready to grapple with any uprising, might prove sufficient enough to prevent fituris. Nor is this all. Undesirable persons, agitators and fomentors of trouble can be effectually kept off by enforcing Madras State Prisoners Regulation II of 1819 which is applicable to the Agencies.[1] Anyway, the fear of fituris and agitators cannot be allowed to stand in the way of progress. If the Government can embark on extensive plans like prohibition in the plains, they certainly can embark on similar ameliorative measures on a much restricted scale in the Agencies.

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1 G.Os. No. 458, Judicial, dated 17th March 1898; No. 1029, Judicial, dated 4th July 1898; No. 1039-A & B, Judicial, dated 5th May 1879: No. 593, Judicial, dated 17th July 1909: No. 697, Revenue, dated 9th April 1930.

THE EXCLUDED AND PARTIALLY EXCLUDED AREAS.

[Written in November 1946. It describes briefly how the Excluded and Partially Excluded Areas have been governed, with what machinery and against what constitutional background.]

The Government of India call for a memorandum showing against a historical background from the constitutional and administrative points of view as to how the present Excluded and Partially Excluded Areas were governed before and after the Act of 1919, what have been the aims of the policies adopted in these areas, what machinery has been employed to achieve these aims and with what success. They also wish to know to what extent the laws in force in the rest of the Province have been modified in their application to these areas. They, however, desire that all this information should be supplied in as brief and succinct a form as possible.

The Excluded Areas in this Province are the Laccadive islands including Minicoy (generally called the Laccadives) and the Amindivi islands (generally called the Amindivis), and the Partially Excluded Areas are the Agency tracts comprising the extensive hilly regions of the Vizagapatam and the East and West Godavari districts. It is proposed to deal first with the Excluded Areas and then with the Partially Excluded Areas.

EXCLUDED AREAS.

The Laccadive and the Amindivi islands are situated in the Arabian Sea some 100 to 200 miles off the coast of Malabar. Of the Laccadive islands, the most important are Minicoy, Kavarathi, Agathi, Kalpeni and Androth; of the Amindivi islands, the most important are Amini, Kadamat, Kiltan and Chetlat. The rest of the islands of the two groups are practically uninhabited; some of them, however, have been leased out to the islanders for coconut cultivation and therefore contain a few souls. The total area of all the islands is about 10 square miles and their total population is about 18,000. The Amindivis have been from the beginning of the British rule administered by the Collector of South Kanara and the Laccadives, by the Collector of Malabar. At one time it was proposed to place both the groups of islands under one Collector for securing uniformity of administration, but this proposal had to be given up as it was on the whole considered inexpedient. The population of both the groups of islands is Muslim, their language is Malayalam (except in Minicoy where it is a primitive Singalese called Mahl) and their manners and customs are tribal and simple. Until recently they had no idea of property in land; their property consisted entirely of coconut trees or houses. There is now, however, a growing tendency to demarcate the ground and

to define plots of trees by boundaries in documents. Their tenancy customs are peculiar and almost feudal in character. The janmis (owners) make over most of their trees to kudians (tenants) who pay a certain proportion of the produce as rent and render various customary services such as shipping goods on the janmis' odams (boats) on payment of a customary freight, thatching the janmis' odams, serving in the janmis' house at festivals, etc. On both the Malabar and the South Kanara islands the janmis constitute the upper classes; they are called Koyas in the former and Tarawads and Kudiyatis in the latter. The kudians in both the groups of islands constitute the lower classes or workers and are called Melacheries.

Both the Amindivis and the Laccadives, which were for long under the Chirakkal Raja, passed from him first to the Bibi of Cannanore, then to Tippu and lastly to the British. The Amindivis passed from Tippu to the East India Company in 1799 on the fall of Seringapatam. The Laccadives passed by the conquest of Cannanore to the Company in 1791 along with the other possessions of the Bibi and were further ceded to the Company with Tippu's entire possessions in Malabar in 1792 by the peace of Seringapatam. But the Laccadives were for a long time as a matter of policy permitted to be retained by the Bibi on payment of an annual tribute or peshkash. In 1854 these islands were attached by the British for arrears of tribute and managed till 1864. In 1875 they were again attached for arrears and managed by the British on behalf of the Ali Raja, the Bibi's descendant, till 1908–1909 when their sovereignty, after much negotiation, was once for all transferred to the British. Thus, while on the Amindivis the British administration began in 1799, on the Laccadives it began only in 1909.

The Amindivis were, from the early times, administered by the British on simple patriarchal lines. They were under the jurisdiction of the Collector of South Kanara, who periodically visited them and administered them with the aid of a Monigar resident on Amini. The Monigar was assisted by a gumastha or clerk and Karanis or peons posted on each of the smaller islands. In 1845 the Monigar had the powers of an Amin of Police while disputes of a civil nature were decided by the Karanavars—a panchayat consisting of leading men of property—or the Kazi. In 1867 the Monigar was invested with the powers of a village magistrate and village munsif and in 1871 with the powers of a Third-class Magistrate and in certain cases required to associate with himself as assessors not less than three of the Karanavars of the island in which the trial was held. The Scheduled Districts Act (Act XIV of 1874) was extended to the Amindivis by notification. But no notification under Section 3 of the Act excluding any of the Acts applicable to the other parts of the Province was actually issued, and so the High Court held that both the Indian Penal Code and the Criminal Procedure Code were in force in the Amindivis. The

Monigar on these islands was therefore regarded as a Deputy Tahsildar and in virtue of his office allowed to exercise third-class powers under the Criminal Procedure Code. This position still continues. Appeals and revision petitions lie as laid down in the Code. The Monigar also tries a number of more serious offences such as defamation and adultery under the customary laws and exercises civil powers under Madras Regulation IV of 1816. He is still, as in olden days, assisted by a gumastha on Amini and a resident peon or Karani, on each of the other islands. He visits the other islands at least three times a year. The Karanis have no powers; they simply carry out his orders and act as channels of communication between him and the other islands.

A similar patriarchal system of administration was adopted by the British in the Laccadives also. When these islands were attached for arrears in 1854 and again in 1875, the British found that under the Cannanore Rajas there was an agent on each island called a Kariyakar, assisted by a gumastha or a clerk. The Kariyakars were expected to act in conjunction with the Mookyasthans or Karanavars. None of the Raja's agents, however, had either the prestige or the character to conduct proper administration; everyone oppressed the people. In 1875, therefore, the British replaced all the Raja's Kariyakars by Amins. The Amin on each island was, for conducting its affairs, given the aid of a gumastha and required to consult the Karanavars. At first the Amins and gumasthas were sent from the mainland, but, as it was found difficult to send the right type of men from the mainland, from about 1878 the Amins and gumasthas began to be appointed from among the islanders themselves. The posts are not hereditary and the Amins are selected from the Karanavars. Since the passing of Regulation I of 1926 the Amin virtually exercises third-class Magisterial powers and also tries petty civil cases. In more important cases appeals from him lie to the Collector of Malabar who usually delegates his powers to the headquarters Deputy Collector or to the officer periodically sent to inspect the islands. No appeal, however, lies from their decision to the Collector, but revision petitions are entertained by him. Appeals from the decisions of the Collector in original suits lie to the High Court. The actual procedure for administering civil and criminal justice in these islands was first laid down in a special enactment, Regulation I of 1912. By this Regulation consisting of 33 sections the island law and procedure were to a certain extent legalized and codified. This Regulation has been amended by Regulation I of 1926 so as to make the Indian Penal Code applicable to the islands.[1]

The administration of the Laccadives and the Amindivis thus consists in essence in the maintenance of law and order and in the dispensation of a simple system of justice through the Monigar and

[1] Report on the Laccadive Islands by W. Robinson (1874); Report on the general condition and resources of the Amindivi Islands of the Laccadive group (1869); A Short Account of the Laccadive Islands and Minicoy by R. H. Ellis (1924).

the Amins. The work and conduct of these officials is inspected and corrected by Inspecting Officers who are usually the Revenue Divisional Officers or the Sub-Collectors deputed by the Collectors of South Kanara and Malabar. The Inspecting Officers, during their visits to the islands—which are made usually once in two years—, ascertain the condition and welfare of the islanders, decide appeals pending from the decisions of the Monigar and the Amins, redress the grievances of the people, if any, settle their local disputes and, soon after the inspection is over, submit their report with their observations and suggestions through the Collectors to the Government. Until 1922, the Collectors used to send these reports with their remarks through the Board of Revenue. In that year the agency of the Board was eliminated as being superfluous.[1] In 1934, however, the old system was revived, the Collectors were once more asked to submit the reports through the Board and the Board was asked not only to offer its remarks on them but also to pass final orders on several routine matters dealt with in them.[2] This arrangement still continues.

As a result mainly of these inspections, several measures have been from time to time suggested for improving the social and economic conditions in the islands. Some of these measures have been adopted, while others of a more daring or novel nature have been given up as being inexpedient. The aims of the Government throughout have been to ameliorate and improve the condition of the islanders in all possible ways, but to do so gradually without in any way violently pushing them forward into the pale of modern civilization. It is with these aims that the Government have established schools and dispensaries on the islands. The first provisional dispensary under a hospital assistant aided by a midwife was established on one of the islands in 1874. To-day there are no less than a hospital, two permanent dispensaries and three temporary dispensaries under the charge of trained medical officers. In the early days it was difficult to induce the people to take to Western medicine and treatment and to submit to vaccination. To-day these prejudices have to a great extent been overcome. Similarly the first school was opened on one of the islands in 1885. To-day there is an elementary school in charge of a trained teacher on almost every island. In the early days the attendance in the schools was very poor. To-day the people have been taught the value of education and there is now a growing desire for it as evidenced by the increase in attendance in every school.[3]

Nor have the Government been indifferent to the need for improving the economic condition of the islanders. The wealth of these people consisted, and still consists, almost entirely of the produce of the coconut trees which grow abundantly upon all the islands and yet they knew not and cared not to cultivate these trees

1 G.O. No. 1508, Revenue, dated 18th August 1922.
2 G.O. No. 2069, Revenue, dated 11th October 1934.
3 This is seen from Ellis's book and the latest inspection reports of the islands available in this office.

properly. The Government have therefore again and again attempted to encourage the islanders to cultivate the trees on scientific lines and to provide improved facilities for marketing their produce. It is with this object in view that the pandaram (State) lands which were lying uncultivated not only on the inhabited but also on the uninhabited islands have been leased out at nominal rents to the islanders. It is again with this object in view that the officers of the Agricultural Department have been frequently sent out to demonstrate to the islanders the scientific methods of cultivation. These officers have been teaching the islanders the advantages of planting trees at proper distances, of weeding out the unproductive trees, of manuring the trees with ashes and fish refuse and of eradicating systematically by various methods the large colonies of rats which work great havoc among the coconuts. They have also been able to impart the necessary training as Demonstrators to some of the islanders themselves at the Agricultural Farm at Kasaragod. But it is not by improved methods of coconut cultivation alone that the Government have sought to improve the condition of the islanders. They have abolished the various oppressive monopolies introduced by the previous rulers in the trade of coconut products and have retained only the coir monopoly; and even this they have retained not so much as a source of revenue but as a means of saving the islanders from exploitation at the hands of unscrupulous merchants and brokers of the mainland and the unfeeling and somewhat exacting ship-owning landlords of the islands. Under this coir monopoly all the coir manufactured on the islands is purchased by the Government at a fair price paid partly in cash but chiefly in rice—a staple article of food of the islanders. Rice depots have been established on the islands themselves so that the poorer classes of the islanders who manufacture coir may sell it and obtain rice on the spot.[1]

Other avenues have also been explored to develop the economic resources of the islands. On a proposal that the monopoly of all trading with the islands might be given to some reputable firm with a view to rapidly developing their resources and effectually providing an incentive to thrift and industry among the islanders—the want of which were mainly held to be responsible for the backward condition and poverty of the islanders—the Government in 1920 induced the General Manager of the Commonwealth Trust, Ltd., to visit the islands and to report on the possibilities of their development. As a result of his visit he thought it possible to improve the manufacture of coir, copra and jaggery and to organize a large fishing industry in "mas" or "boneto fish," in "bechede-mer" and turtle and also to start a boat-building industry in which the islanders were experts. But he considered

[1] See Ellis's book and also G Os. No. 1586, Development, dated 6th November 1925; No. 2188, Development, dated 27th December 1928; No. 455, Development, dated 1st March 1930; No. 2237, Development, dated 19th December 1930; No. 819, Development, dated 30th May 1935; No. 69, Development, dated 16th January 1932; No. 2069, Revenue, dated 11th October 1934.

that the total volume of trade would, on the whole, be too small to tempt any ordinary commercial firm to embark on such a scheme without large concessions from the Government. The scheme therefore had to be given up.[1] Experiments have likewise been made to start co-operative societies on the islands, but with little success.

As to the political condition of the islanders, it is needless to say that they are backward. But latterly, on account of their growing wealth and contact with the mainlanders, the working classes have manifested a strong sense of discontent with the social position assigned to them by the landowners. This discontent has assumed the shape of an agitation for the removal of social disabilities and of a demand for representation on the panchayats which are at present composed exclusively of the landowners. These are perhaps symptoms of a dim political awakening in the mass of the islanders.

Turning to the constitutional position of the islands, the first Act of importance which affected them was the Scheduled Districts Act XIV of 1874. This Act specified "the Laccadive islands including Minicoy" as one of the Scheduled Districts and gave the option to the Local Government to extend the Act to these areas by a notification. It also laid down in Section 3 that the Local Government may, from time to time, by notification in the local Gazette, (*a*) declare what enactments are actually in force in any of the Scheduled Districts and (*b*) declare of any enactment that it is not actually in force in any of the said districts. The Act was made applicable to "the Laccadives" by the Government by Notification No. 83, Judicial, dated 19th February 1889. Now it is evident that by the term "the Laccadives" both the Scheduled Districts Act and the notification could have meant only the Amindivis inasmuch as the Laccadives were at that time not part of the British territory, and such, indeed, was the opinion held by all authorities. Subsequently by notifications under Section 3 of the Act, the Government declared that the following Acts were to be in force in the islands:

(1) The State Prisoners' Act XXXIV of 1850 and III of 1858 by Notification No. 268, dated 9th July 1889.

(2) The Lunacy Act XXXV of 1858 by Notification No. 285, dated 4th July 1898 and

(3) The Civil Procedure Code, Sections 35 to 43 only, by Notification No. 197, Judicial, dated 11th February 1909.

The Government, however, at no time declared what *all* enactments were in force or what enactments were *not* in force with the result that the High Court held in 1910 that all the laws applicable to the mainland were also applicable to the islands. It was thus that the Indian Penal Code and the Criminal Procedure Code were held to be applicable to the Amindivis. In spite of this, however,

[1] G.O. No. 1321, Revenue, dated 19th July 1922.

no notification defining the laws in force and the laws which are not in force has ever been issued in the case of the Amindivis. The question of issuing such a notification was, indeed, considered, but dropped as being unnecessary.

So far as the Laccadives are concerned, it will be remembered that these islands came into the hands of the British only in 1909. In 1912 the Government thought it best to pass a special Regulation (Regulation I of 1912) defining the laws applicable to them. This Regulation made the following laws applicable to the Laccadives :

(1) The Madras State Prisoners' Regulation II of 1819,

(2) The State Prisoners' Act III of 1858, and

(3) The Scheduled Districts Act XIV of 1874.

This Regulation also, to some extent, legalized and codified, as has already been stated, the law and procedure prevailing on the islands and laid down a set of simple rules for conducting the trial of civil and criminal cases on the islands. The Government considered that these rules would answer the purpose better than the Indian Penal Code, the Civil Procedure Code and the Criminal Procedure Code. In 1926, however, they considered it desirable to introduce the Indian Penal Code and accordingly introduced it by passing Regulation I of 1926.[1]

Then came the Montague-Chelmsford Reforms. Shortly after the publication of the Montague-Chelmsford Report the Government of India asked the Madras Government as to what areas should be declared as "backward tracts." To this the Madras Government replied that both the Laccadives and the Amindivis should be treated as backward tracts and excluded from the jurisdiction of the reformed Provincial Government. The reasons given for this were that these islands had always been in practice excluded from the operation of the general Acts and Regulations and from the jurisdiction of the ordinary courts of law; that the people in these islands were primitive; and that their administration had always been conducted on simple patriarchal lines. Accordingly these islands were treated as backward tracts and this was how it was done; Section 52-A of the Government of India Act laid down that the Governor-General in Council could declare, by notification, any territory in British India to be a backward tract and direct that that Act should apply to that territory subject to such exceptions and modifications as might be prescribed in the notification. It further laid down that in such a case the Governor-General in Council could also direct that any Act of the Indian Legislature should not apply to the territory in question or should apply subject to such exceptions or modifications as he thought fit and could also authorize the Governor in Council to give similar directions in regard to the Acts of the Local Legislature. By Notification No. 1-G, dated 3rd January 1921, under this section, the Government of India declared "the Laccadive islands, including

[1] Ellis's book; Regulation I of 1926 in G.Os. No. 110, Revenue, dated 22nd January 1926; No. 471, Revenue, dated 17th March 1926.

Minicoy " (meaning thereby the Laccadives as well as the Amindivis) backward tracts and made the following exceptions in the application of the Acts to the islands :—

(1) that neither the Indian Legislature nor the Madras Legislature had powers to make laws in them,

(2) that the expenditure over them should be non-voted,

(3) that no questions about them should be asked in the Legislature without the sanction of the Governor and

(4) that they should be administered by the Governor in Council, i.e., that their administration should be treated as a reserved subject.

In this notification the Governor-General also authorized the Governor in Council to direct that any Act of the Local Legislature should not apply to the islands or should apply subject to such exceptions or modifications as the Governor in Council might think fit. But the Governor in Council actually did not make use of these powers given him or issue any notification. Consequently it would appear that all enactments applicable to the whole Province passed subsequent to the passing of the Government of India Act of 1919 became applicable to the islands also.[1]

The next stage in the constitutional development started with the Indian Statutory Commission (the Simon Commission). That Commission recommended that the backward tracts should be treated as a central subject since the Provinces might not be in a position to set apart the funds required for their development, but that the Governors should be asked to administer these areas as agents to the Central Government. When the Government of India called for remarks upon this recommendation, the Madras Government observed that the islands should not be treated as excluded areas, that they should not be "excluded from the Presidency or from the jurisdiction of the Ministers," that at any rate the arrangement suggested by the Commission for their administration was altogether clumsy and complicated. They explained: "The exclusion of these tracts implies a want of trust in the Cabinet of Ministers and the Local Legislature and a feeling that they will not administer them properly and will not provide funds necessary for their development. The Government of Madras do not consider that there has been anything in the attitude of the Ministers or the Legislative Council in the past to justify these apprehensions. The Madras Government therefore consider that these areas should not be excluded from the Presidency or from the jurisdiction of the Ministers." And they thought that these areas might safely be brought under the jurisdiction of the Ministers provided the following safeguards were made: (1) that no law or rule having the force of law shall be brought into force or altered or repealed in a backward tract or any part of it without the concurrence of the Governor, and (2) that, if the

1 G.Os. No. 1023, Public, dated 9th November 1918; No. 443, Revenue, dated 22nd February 1921; No. 779, Revenue, dated 6th May 1923.

Governor-General in Council is satisfied that a backward tract or any part of it is maladministered, he may exclude it from the jurisdiction of the Madras Government and make other arrangements for its administration. These views were accepted by the Government of India and the Secretary of State. But eventually these views underwent considerable modifications with the result that in the Government of India Bill, the islands were treated as "Partially Excluded Areas." Nor was this the final change effected. In the final stages of the Bill the Secretary of State, apprehending opposition in the Parliament even to this classification, enquired whether the islands could be treated as "Excluded Areas." The Madras Government then went back upon their original recommendation and agreed to his suggestion in view of the fact that the islands were inaccessible during several months of the year and in view of the fact that there were practical difficulties in fitting them into the electoral arrangements. Thus it was that the islands were declared as "Excluded Areas" by an Order in Council, dated 3rd March 1936 under Section 91 of the Government of India Act of 1935. This Order in Council rectified a mistake in the nomenclature of the islands, a mistake which had persisted ever since 1874, for instead of describing them as in the previous enactments and notifications as "the Laccadives including Minicoy" and thus giving rise to the doubt as to whether the Amindivis were included in them or not, this Order in Council described the islands as "Laccadives including Minicoy and Amindivi islands."

The position of these islands at present under the Government of India Act of 1935 is this: Under Section 92 (1) of this Act no Act of the Federal Legislature or of the Provincial Legislature will apply to them unless the Governor by public notification so directs; and the Governor in giving such a direction with respect to any Act may direct that it shall in its application to them have effect subject to such exceptions and modifications as he thinks fit. Under Section 92 (2) the Governor may make Regulations for the peace and good Government of the islands and by such Regulations repeal or amend any Act of the Federal or of the Provincial Legislature or any existing Indian law which is for the time being applicable; the Regulations so made will, however, have no effect until they are assented to by the Governor-General in his discretion. And under Section 91 (3) the Governor is authorized to administer the islands in his discretion. Under Section 72 (3) (*e*) the expenditure is charged on the revenues of the Province, i.e., it is non-voted. In effect this Act has placed the administration of the islands under the discretion of the Governor and repealed the Scheduled Districts Act of 1874.[1]

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[1] G.Os. No. 978, Public (Services) (Confidential), dated 11th August 1930; No. 1139, Public (Special), dated 1st September 1932; No. 852, Revenue, dated 2nd April 1935; No. 652, Public (Reforms), dated 26th April 1935; No. 770, Public (Reforms), dated 24th April 1936; No. 926, Public (Elections), dated 21st May 1936.

As to the laws that are at present applicable to the Amindivis and the Laccadives, the following are in force in both: the State Prisoners' Act III of 1858, the Indian Penal Code, the Registration of Foreigners' Act XVI of 1939, the Indian Coinage Act of 1906 and the Rules and Orders issued thereunder by the Madras Excluded Areas Coinage Regulation of 1940 and the Central Excise and Salt Act of 1944. During the last War certain Ordinances, like the Currency Ordinance of 1940 and the Legal Tender (Inscribed Notes) Ordinance of 1942, were also made applicable to both by notification. Laws peculiar to the Amindivis are the State Prisoners' Act XXXIV of 1850, the Lunacy Act XXXV of 1858, Sections 36 to 43 of the Civil Procedure Code; while the laws peculiar to the Laccadives are the Madras State Prisoners' Regulation II of 1819 and Regulation I of 1912 as amended by Regulation I of 1926 which lay down the special rules and procedure in the trial of civil and criminal cases[1].

PARTIALLY EXCLUDED AREAS.

These areas comprise the Agency tracts so called from the fact of their having been administered for a long time through special "Agents" to the Governor. They form an extensive region of mountains and forests and lie to the west of the districts of Vizagapatam, East Godavari and West Godavari. Originally they extended over 20,000 square miles of area, but on the formation of the Orissa Province in 1936 about 13,000 square miles of this area were transferred to that Province, so that their area at present is only 6,792 square miles. Their population is 493,026 and consists of various primitive tribes such as the Koyas, the Savaras, the Khonds, the Kondadoras, the Dombas, the Bagatas, etc.[2] These tribes are illiterate animists of nomadic habits, addicted to shifting cultivation and very fond of drinking arrack made of flowers of the Mohwa tree which grows in abundance in their country. They are simple, ignorant people who, by reason of their ignorance and excitable temperament, have always been considered to require handling with tact and sympathy and, by reason of their backward condition, protection "from the subtleties of the law and the wiles of the more civilized traders and lawyers of the plains." Their country, though rich in forest, agricultural and mineral resources, has remained practically unopened and undeveloped, largely on account of its highly malarial climate.

The greater part of the Agency tracts came into the hands of the British along with the Northern Circars in 1765; the remaining part came into their hands in 1862 along with certain tracts of territory ceded by the Nizam. Roughly the former was formed into the Vizagapatam and Ganjam Agencies in 1839, while the

1 Ellis's book ; G.Os. No. 779, Revenue, dated 6th May 1923; No. 1110, Revenue, dated 22nd January 1926; No. 1955, Public (Political), dated 8th November 1939, and Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (Printed), 1946.

2 Factual Memoranda of Public (Political) Department on Excluded and Partially Excluded Areas (Printed), 1946.

latter with some addition of area from the Vizagapatam Agency was formed into the Godavari Agency in 1879. This is how it happened: When the British took over the Agency tracts forming part of the Northern Circars, they found that almost all of them were in the hands of zamindars and so, at the time of the permanent settlement, they settled with these zamindars for an annual peshkash. The tracts were, however, so vast and inaccessible and peopled by tribes so rude and excitable that it was found impossible to govern them by the ordinary laws and by the ordinary system of administration adopted for the plains. Very soon a series of disturbances and rebellions (called fituris) broke out and made it necessary for the Government to devise some sort of special system of administration for these tracts. In 1835 Mr. Russell, who was sent out as a Special Commissioner to investigate the causes of the disturbances and to suggest remedies, proposed that the tracts should be exempted from the jurisdiction of the ordinary courts and placed exclusively under the Collectors of the districts (of which they formed part), in whom should be vested as Agents to the Governor the entire administration of civil and criminal justice under such rules for their guidance as might be prescribed by Orders in Council. This was approved by the Government and accordingly India Act XXIV of 1839 was passed forming the basis of the system advocated by Mr. Russell. It was further enacted that the Collectors as Agents to the Governor should have the power of making commitments by warrant which was possessed by the Governor in Council by virtue of the Regulation II of 1819 subject always to the orders of the Government in each case. Shortly afterwards rules were framed for the guidance of the Collectors in the administration of the Agency areas. The Collector of Vizagapatam became thus the Agent to the Governor in respect of all the Agency tracts included in his district, while the Collector of Ganjam became the Agent to the Governor in respect of all the Agency tracts included in his district. For several years the Ganjam Agency was, however, placed under a Special Agent for the suppression of Meriah Sacrifices, but in 1862 this Special Agent's post was abolished, and the Agency was again placed under the Collector of Ganjam as Agent to the Governor. As for the Godavari Agency, the tracts ceded by the Nizam in 1862 became part of the Madras Presidency in 1874 and in 1879 these tracts together with certain portions of the Vizagapatam Agency were formed into the Godavari Agency and placed under the Collector of Godavari under the Scheduled Districts Act XIV of 1874. In 1879, under Section 6 of this Act rules were framed for the guidance of the Government Agent in the administration of the Godavari Agency.[1]

Under the system introduced by the Acts of 1839 and 1874, each Agency was thus placed under an Agent. Under each Agent were appointed some Assistant Agents, each in charge of

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[1] Madras Manual of Administration by C.D. Maclean, Volumes I and II.

a division and under each Assistant Agent were appointed several Sub-Magistrate-Munsifs. This machinery of administration has remained substantially unchanged even to this day. With the growth of administration, various other officers of the Police, Medical, Engineering, Forest and Agricultural Departments, etc., have been posted in the Agencies; but all these officers have been placed under the Agents. In 1920, an experiment of placing all the Agencies under one Agency Commissioner, instead of the three Agents, was tried, but it was abandoned in 1923 as a measure of retrenchment. Thereafter, the three Agents were, as before, appointed in charge of the three Agencies of Ganjam, Vizagapatam and Godavari. In 1936, the Ganjam Agency having been entirely transferred along with a portion of the Vizagapatam Agency to the Orissa Province, the remaining Agency areas were reconstituted into three Agencies, the one under the Collector of Vizagapatam as Agent to the Government, Vizagapatam, and the other two under the Collectors of East Godavari and West Godavari as Agents to the Government, East Godavari and West Godavari. In regard to the mode of administration, rules have been framed from time to time defining the powers of the Agent, the Assistant Agents and the Sub-Magistrate-Munsifs. The chief point to remember about these rules is that they have always invested the Agents and their subordinates with civil, criminal and revenue jurisdiction. Here, therefore, separation of functions does not exist and the people are governed under a more or less patriarchal system. As to the administration of justice, the Agents and their subordinates are required in criminal matters to follow the Criminal Procedure Code, but in civil matters they are required to follow a set of simple rules framed for their guidance and Sections 36 to 43 of the Civil Procedure Code relating to the execution of decrees. While therefore in criminal cases there is an appeal from the decisions of the Agents to the High Court, in civil cases there is no appeal from their decisions to any higher authority.

Until 1920 the Agents used to deal directly with the Government without the intervention of the Board of Revenue. Their dealings, however, till then consisted chiefly in the submission of annual administration reports reviewing the conditions in the Agencies and indicating what little had been done to provide some simple amenities. In fact, until 1920, the only aims of the Government policy in the Agencies seem to have been the maintenance of law and order, the construction of roads, the protection of the hillmen from the machinations of the plainsmen and their gradual, indeed, too gradual, uplift by the provision of a few schools and dispensaries and by the adoption of a few measures to check their proclivities to drinking and podu cultivation. But with the introduction of the constitutional reforms of 1919 the authorities began to visualize the idea of improving more rapidly the condition of the hillmen and of developing the economic resources of the Agencies and, as a result, an Agency Commissioner, Mr. Harris, was appointed in the place of the three Agents not only with a view

to co-ordinating the administration of the Agencies upon a uniform pattern but also with a view to exploring the possibilities of developing their resources. He did admirable work. He made a careful study of all vital problems. He evinced a keen interest in improving the condition of the hillmen and he revealed the vast wealth of the Agencies awaiting development. But his time was short[1]. His post fell under the axe of retrenchment in 1923 and thereafter the Collectors were, as before, appointed as Agents and some amount of uniformity in administration was secured by convening periodical Agency Conferences attended by all the Agency officers to discuss matters of common interest and to suggest improvements.

It now remains to be seen what Mr. Harris suggested and what the Government have done to improve the Agencies. Mr. Harris pointed out: There is an immense scope for developing the Agencies, but the people of these tracts are quite unequal to that task. They are too few, too simple, too uneducated, too much addicted to drinking and too much accustomed to wasteful methods of agriculture to take upon themselves the huge task of development. It is, therefore, absolutely necessary to open up the Agencies to the enterprising men of the plains, under, of course, adequate safeguards for the protection of hillmen. And this opening up will make it possible to tap vast sources of potential wealth. There are thousands of square miles of fertile lands, blessed with abundant rainfall and numerous streams that traverse the country, which can be easily cultivated with paddy, ragi, sugar-cane, coffee, oil-seeds, citrus fruits, etc., to the great advantage not only of the hillmen but also of the plainsmen. There are extensive forests hitherto untapped, which can be exploited for valuable timber and forest produce, but which are being rapidly denuded by the podu cultivation practised by the hillmen. Some of these forests will have to be reserved to ensure regular rainfall and avoid freshes on the plains, but several of them can be judiciously exploited to yield profitable results. There are also minerals like iron, coal, plumbago, mica, manganese and gold and a wealth of potential electric power in the perennial waterfalls, all of which remain to be tapped. But, there are certain great difficulties in the way of development of all these resources; and they are want of communications, shortage of labour and malaria. Of these, the greatest difficulty is undoubtedly malaria. The severity of this malady can be seen by the fact that not less than 89 per cent of the population of the high plateau land and 90 per cent of the population of the lower plateau have enlarged spleen as a result of suffering from malaria. Mr. Harris realized that large sums would be needed to overcome these difficulties and he advised the Government to raise these sums by a loan.

But the Government were not prepared to go so far. They believed in all the possibilities of development indicated by him and gave wide publicity to his views in order to attract private capital and enterprise. But they did not deem it necessary to

[1] G.O. No. 1933-A, Revenue, dated 25th August 1921.

borrow money to finance any large schemes. It would appear that public opinion was not prepared for any such step. It also became soon apparent that what was first needed was to open up the country as much as possible and to minimize the terrors of malaria. The aims of the Government have been to realize these two prerequisites to economic development and at the same time to civilize the hillmen, to educate them, to wean them from their wasteful habits and to teach them the proper methods of agriculture. It has, however, not been possible to adopt any comprehensive scheme to achieve these aims. The field is vast and demands more money than what the Legislature can be induced to grant. Besides, progress in these directions is bound to be slow considering the general backwardness of the people, their ignorance, their superstitions and their antipathy to innovations. But still much spade-work has been done. In restricted areas in each Agency many improvements have been carried out. A number of road schemes for linking up important towns have been considered and some have been adopted. Several rural dispensaries and a few hospitals have been opened. More doctors and more Health Officers have been sent out to conduct anti-malarial operations, to administer quinine, to undertake paris-greening of streams and ponds and to construct subsoil drainage. Many schools, elementary, secondary and training, have been established. Several co-operative societies have been started to provide borrowing and marketing facilities. Efforts have been made to conserve important forests, to improve the cattle and to teach the hillmen the modern methods of cultivation by placing the forests under the Forest Department, by posting Veterinary Officers, by sending stud-bulls and by setting up agricultural demonstration farms. Certain oppressive forms of customary labour (vetti and gothi) have been abolished and endeavours have been made to check the evil of drink by introducing improved methods of distillation and by imposing a sort of poll-tax on certain classes of people who enjoy the privilege of making crude arrack. Recently a scheme also has been drawn up for generating electricity at the Doduma Waterfalls on the Machkund river.

Latest figures of the number of schools, medical institutions, etc., in the Agency areas are not readily available. In 1940, there were more than 300 schools attended by more than 16,000 pupils of whom nearly 5,000 were aborigines. There were also three hospitals and 18 dispensaries which treated about 138,000 patients, nine midwives who conducted about 700 labour cases, one Health Inspector and one Assistant Health Inspector who attended to anti-malarial operations and vaccinated or revaccinated over 30,000 persons and two veterinary institutions and nine touring Veterinary Officers who, on the whole, treated more than 14,300 cases and carried out more than 1,800 castrations. Besides, there were 18 co-operative societies with a membership of more than 1,100[1].

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[1] For a fuller appreciation, *see* the note on "Agency Areas and their Problems."

Politically the hillmen are naturally backward. They are, however, an easily excitable people requiring careful handling on the part of the authorities. They have been known to rise again and again in fituri when they have been subjected to oppressions and exactions. It is in order to protect them from the oppression of the plainsmen that a special Act has been passed (the Agency Tracts Interest and Land Transfer Act I of 1917) prohibiting the alienation of lands belonging to them to non-hillmen without the sanction of the Agent or the Assistant Agents. It is also in order to protect them from tactless and ill-considered actions of subordinate officials that all officers of all departments have been placed directly under the Agents and forbidden from introducing any new measures without their sanction. It is because of the peculiar excitable temperament of these backward people that whatever has been done in the Agencies has been done by persuasion and personal influence of the officers rather than by enactments or by any elaborate machinery of administration. It must, however, be stated that doubts have occasionally been cast upon the wisdom of continuing this system of personal administration. Suggestions have sometimes been made to link up the Agencies with the plains and to introduce into them the ordinary system of administration. But this, of course, has not yet been done[1].

In regard to the constitutional position of the Agencies, Act XXIV of 1839 enabled the Government to constitute the Ganjam and Vizagapatam Agencies, while the Scheduled Districts Act of 1874 enabled them to constitute the Godavari Agency. The first Act authorized the Governor in Council to make separate arrangements for the administration of civil and criminal justice through Agents under such rules as he might deem proper for their guidance. The second Act applied to all the three Agencies. It authorized the Local Government, by notifications issued from time to time, (1) to declare what enactments are actually in force in any of the Agency tracts, (2) to declare of any enactment that it is not actually in force in them and (3) to make rules for their administration. As has been stated already, while the rules for the administration of the Godavari Agency were issued under this Act, the rules for the administration of the Ganjam and Vizagapatam Agencies were issued under the Act of 1839. Notifications were also issued from time to time under these Acts specifying the laws applicable to the Agencies.

The next constitutional change came with the Montagu-Chelmsford Reforms. When these reforms were on the anvil and the Government of India enquired as to what areas should be treated as "backward tracts," the Madras Government stated that the Agency tracts should be so treated. They said: "The areas, owing to their hilly and jungly character, the prevalence of malaria and the absence of communications, have hitherto remained almost completely undeveloped and are generally exempt from the operation of the laws in force in the plains and the jurisdiction of the

[1] For a fuller appreciation, *see* the note on "Agency Areas and their Problems."

ordinary courts of justice . . . They are inhabited mainly by simple and ignorant jungle tribes whose education is still elementary and who retain their ancestral customs as to tenure of land, devolution of property, family or tribal organization and social observances. These tribes are still in very early stages of civilization, use bows and arrows, wear little clothing, are timid, excitable and easily imposed upon and totally unfit for any form or degree of political advance . . . These tracts are best administered under the existing system of rules and should under such conditions be more capable of development on sound lines than if brought at this stage under the influence of complex codes. They are clearly areas in which material for the foundation of political institutions is at present entirely lacking." For these reasons the Madras Government recommended that the Agency tracts should be treated as "backward tracts", and should be excluded from the jurisdiction of the Reformed Provincial Government. They, however, added that, if it should be found in future that any portions of these tracts could be excluded from the "backward tracts", they would be so excluded and brought under the jurisdiction of the Reformed Government.

Shortly afterwards, the Government of India Act of 1919 was passed. By Section 52-A(2) of this Act, the Governor-General was authorized to declare any territory in British India to be a "backward tract" and to direct by notification that the Act should apply to that territory subject to such exceptions and modifications as might be prescribed in the notification. Then arose an interesting controversy as to the extent to which the Agency areas should, by notification, be excluded from the scope of the Government of India Act. The Government of India did not consider that it was necessary to exclude them completely from the jurisdiction of the Legislative Council and thought that it would be sufficient if they were partially excluded on the lines suggested for the Santal Parganas and Chota Nagpur. This plan would, they pointed out, provide the following safeguards:—

(1) Under Section 52, the Governor could, if necessary, refuse his assent to the proposals of the Ministers,

(2) the Governor-General could, with the sanction of the Secretary of State in Council, retransfer subjects from the Ministers, if required, and

(3) under Section 52-A (2) the Governor in Council could entirely debar or modify the application of any measure passed by the Legislature if it was considered unsuitable by him.

Upon this the Madras Government agreed that the tracts might be brought under the Legislative Council but stipulated that their administration should be regarded as a reserved subject. They thought that, if any part of their administration was transferred to the Ministers, grave troubles might arise from the Ministers trying to enforce their progressive policies in the matter of local self-government, medical administration, public health, education,

excise, etc. They stated that, if the Governor at any time deemed it safe to entrust any matter of administration to the Ministers, he would still do so subject to any conditions he might think necessary to impose.

The Government of India then pointed out that this was an objectionable procedure, that in any case, even if the administration were entrusted to the Ministers, the Governor could always exercise his special powers under Section 52 of the Act and refuse to give his assent to any measure which he considered inexpedient. The Madras Government, however, still adhered to their views. They emphasized that the experiment of immediately placing any part of the administration of these partially civilized and backward areas under Ministers who were not likely to have either personal knowledge of the areas or special sympathy with their inhabitants involved a great risk which it was not at all justifiable to incur. They pointed out that it was undesirable to deliberately enter upon an arrangement under which the proper administration of the tracts would depend to a large extent upon the use of the Governor's special powers or to contemplate a procedure which was likely to be so fruitful in disagreement and friction. But the Government of India remained unconvinced. They believed that the Ministers would not be rash enough to reject the considered recommendations of the Agents and that in case they showed any such tendency, the Governor would have no difficulty in making them realize the consequences of such a policy. They were confident that the Ministers would rarely compel him to resort to the use of his emergency powers. Still, however, the Madras Government persisted in pressing their views. They had no doubt about the attitude which the Ministers were likely to adopt towards the recommendations of the Agents seeing that in spite of their entire lack of personal knowledge of the conditions in the Agencies, the lawyer members of the Council had not during the recent years refrained from urging that the Agency administration was an anachronism which must be speedily replaced by the ordinary system of administration. And they pointed out: "It is probably from among the lawyers that a large proportion of the new Council will be drawn; it is *prima facie* not unlikely that of the Ministers of the future a good many will belong to that profession; and it seems to the Governor in Council not safe to assume that a policy which has taken such strong hold in the past on the lawyer politician will, in the future, be dropped merely in deference to the recommendation of the local officers." Nor was this all. They thought it quite unlikely that the Ministers would be prepared to spend money in the Agencies, since their political supporters would put pressure upon them to spend whatever money was available on the plains. They remarked that the Agency electorate was bound to be politically negligible for some time and therefore, their voice would be little heard and their needs little cared for. They, therefore, adhered to their recommendations that the administration of the Agency tracts should be treated as a reserved subject.

In view of this firm stand taken by the Madras Government, the Government of India finally gave way and recommended to the Secretary of State that all Provincial subjects in the Agencies should be treated as reserved subjects and that no legislation enacted by the Central or Provincial Legislature should be made applicable to them except when extended or made applicable to them by an executive order with or without such modifications as might be directed by the Governor-General or the Governor in Council. These recommendations having been approved by the Secretary of State, a Notification No. 1-G, dated 3rd January 1921, was issued by the Government of India under Section 52-A (2) of the Government of India Act declaring the Agency tracts as "backward tracts" and making their administration a reserved subject. The Agencies were also included in the electoral constituencies of Ganjam, Vizagapatam and Godavari districts and special representation was given to them by a nominated member on the Legislative Council.[1]

Then came the Indian Statutory Commission of 1927 (the Simon Commission). This Commission in its report remarked about the Agency areas as follows: "The Madras Agency tracts present a problem of a slightly different kind. Our difficulty here arises not from any belief that these important tracts have enjoyed a real participation in the existing reforms but from considerations of administrative convenience. The backwardness of these tracts seems to require that they should be completely excluded and placed under a single administrative head; but some of the evidence we have heard points to its being undesirable to dissociate them from the districts of which they now form parts. If this is so, we would see no objection to these tracts being treated on the same lines as we have suggested for Chota Nagpur." The essence of the scheme recommended by the Commission for Chota Nagpur was that its administration should continue in the Provincial Government; that it should continue to return representatives to the Provincial Legislature; that the Governor as the Agent to the Governor-General in Council should decide how far legislation enacted by the Legislature should apply to it; that it should be under the same system of taxation as the rest of the Province; that the Provincial revenues raised in it should be spent in it; that the additional funds needed for it must come from the Central Revenues and that its administration should be carried on by the Government of India through the Provincial Governor for whose instruction rules should be framed stating as to how far he should consult the Ministers.

But these proposals did not appeal to the Government of Madras. They held that there was no justification for excluding the tracts from the scope of the ordinary administration, as there was nothing to show that either the Ministers or the Legislature would neglect these tracts. Any such exclusion, they believed,

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1 G.Os. No. 1023, Public, dated 9th November 1918 and No. 443, Revenue, dated 22nd February 1921.

would be taken to imply a want of trust in the Ministers. They, however, thought that two safeguards would be necessary (1) that no law or rule having the force of law should be brought into force or altered or repealed without the concurrence of the Governor and (2) that if the Governor-General in Council was satisfied that any part of the area was maladministered, he might exclude it from the jurisdiction of the Provincial Government and make other arrangements for its administration. It will be seen that this attitude was directly opposed to the attitude adopted by them at the time of the Montagu-Chelmsford Reforms. Both the Government of India and the Secretary of State, however, generally agreed with these views, but subsequently, when the Government of India Bill took shape, the Agency tracts were classified in it as "Partially Excluded Areas." This classification was maintained in the Government of India Act of 1935 also.

Under Section 91 (1) of this Act, His Majesty may, by Order in Council, declare any area to be a "Partially Excluded Area." Under Section 92 (1) the Executive authority of the Province extends to the Agency areas but no Act of the Federal Legislature or of the Provincial Legislature shall apply to them unless the Governor by public notification so directs; and the Governor may, in giving such a direction with respect to any Act, direct that the Act shall, in its application to the areas or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit. Under Section 92(2) the Governor may make Regulations with the assent of the Governor-General for the peace and good government of the Agency areas and any Regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature or any existing Indian law which is for the time being applicable to them. Expenditure for the administration of the Agency areas is votable but the Governor can under Section 80(1) restore grants which may be withheld. It should also be stated here that for electoral purposes all the Agency tracts were constituted into one special constituency called the "backward tribal" constituency. One seat in the Provincial Legislative Assembly was allotted to that constituency to be filled by a member of the backward tribes elected by the qualified voters of the backward tribes of that constituency.[1]

In regard to the laws applicable to the Agencies, there has been a lot of confusion and controversy as to what laws are applicable to them and what are not, and at no time has the position been made clear. The wide terms of Act XXIV of 1839, which has been held to have both retrospective and prospective effect, coupled with the uncertainties of the two subsequent enactments of 1874, the Scheduled Districts Act and the Laws Local Extent Act, led to much doubt as to what laws were actually in force in the

[1] G.Os. No. 978, Public (Confidential), dated 11th August 1930; No. 1139, Public (Special) (Confidential), dated 1st September 1932; No. 852, Revenue, dated 2nd April 1935; No. 652, Public (Reforms), dated 26th April 1935 and No. 926, Public (Elections), dated 21st May 1936.

Agencies. The real difficulty lay in this: The Act of 1839 was held to be applicable to the Ganjam and Vizagapatam Agency areas even after these areas were included in the schedule to the Scheduled Districts Act of 1874. Again the Godavari Agency was formed out of three distinct areas governed by three distinct sets of laws; one area was taken from the Central Provinces in 1874, the other taken from the old Godavari district in 1879, 1883 and 1891 and the third taken from the Vizagapatam Agency in 1879. In order to clarify matters in 1898, after prolonged correspondence with the Government of India, a series of notifications specifying the laws applicable to the Agency areas were issued under the Scheduled Districts Act. But even this was considered to be not conclusive, not decisive on the point whether enactments not included in the notifications were or were not in force in the Agencies. When the Agency Commissioner was appointed in 1920, the advisability of issuing a consolidated code of laws applicable to the Agencies was discussed, but it was found impossible to issue such a code because of the uncertainties surrounding the scope of the several Acts. It was then resolved that the best course to adopt was to leave matters as they were and to decide the applicability or otherwise of any particular enactment as and when the occasion arose. In 1927, the question of issuing a code was again considered and again dropped. In 1929–1930, the position of laws in the Agencies was again examined and certain laws which were not in force in certain Agency areas were extended to them. But a comprehensive list of laws applicable to the Agencies was not prepared; nor has it been prepared since. After the 1935 Act, several notifications have been issued by the Governor extending particular Acts passed after 1935 to the Agencies, like the Madras Agriculturists' Relief Act, 1938, the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, the Madras Public Health Act, 1939, the Indian Income Tax (Amendment) Acts of 1939 and 1940, etc. It is considered unnecessary to give a list of the Acts passed after 1935 alone when, for the reasons stated above, it is impossible to give a complete list of the numerous Acts passed before 1936 applicable to the Agencies.[1]

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1 Vizagapatam District Gazetteer; G.Os. No. 2680, Revenue, dated 6th October 1920; No. 2137, Revenue (Confidential), dated 28th October 1927; No. 697, Revenue, dated 9th April 1930.

HUMANITARIAN IDEAS IN MADRAS, 1800—1835.

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Ideas take wing. And the humanitarian ideas of the early nineteenth century which influenced the British administration influenced also not a little the Company's administration in India. It must not be supposed that these ideas one and all emanated from the Court of Directors. Nor should it be supposed that they formed the monopoly of a chosen few who governed Madras. They appealed with equal force to some of the district officials. If the Directors were inspired by Charles Grant, the Evangelical[1] and James Mill, the Radical,[2] the Government were inspired by statesmen like Bentinck and Lushington and the Company's subordinate service contained in its ranks men of enlightened views, like Baber, Cotton, C. M. Lushington and Newnham. It was the combined exertions of all these that purged the administration of most of its harsh characteristics.

Humanitarianism as a philosophy acclaimed by social reformers like Bentham and Howard, Evangelicals like Wilberforce, Tories like Pitt and Whigs like Grey, constituted, in the main, certain doctrines of potential value. They were: that slave-trade should be abolished; that legislation should be aimed at "the greatest happiness of the greatest number"; that the law, especially criminal, should be simplified, codified and disseminated among the people; that the great end of punishment being the prevention of crime, the punishment of evil-doing should be exactly suited to the purpose; that attempts should be made to reform the criminals; that they should not be harshly treated in prisons, should be given medical aid, should be segregated, men and women, debtors and felons, novices and hardened criminals; that, in short, everything should be done to abolish all patent forms of oppression and suffering.

These doctrines were actually implanted in Madras on a soil favourable for their reception. For here, the Cornwallis system, with a separate judiciary and with laws based largely on the British jurisprudence, was introduced in 1802. What was necessary was to humanize these laws especially those which related to crime and punishment and prison administration and to devise other laws or rules for improving public health and removing social evils like domestic slavery, slave-trade and sati. This task, however,

[1] Charles Grant was first appointed Deputy Chairman in 1804 and Chairman in 1805. He was four times re-elected to one or other of these offices and afterwards represented the interests of the Company in Parliament. He died in 1823.

[2] He was appointed in 1819 as Assistant Examiner of India Correspondence, in 1821 as Second Assistant to the Examiner, in 1823 as Assistant Examiner and in 1830 as Examiner. He continued as Examiner until his death in 1836.

was by no means easy. It demanded caution, perseverance and, in some instances, courage, to introduce reforms running counter to established customs and religious practices.

The first of the humanitarian measures was the introduction of vaccination. This was introduced in Madras in 1802 but only with partial success on account of the unsystematic manner in which it was done and on account of the religious prejudices of the people.[1] In 1805 Lord William Bentinck deplored these prejudices, hoped to overcome them by official propaganda and formulated a comprehensive plan for the spread of vaccination. He appointed a Superintendent, placed under him a large establishment of surgeons and Indian vaccinators and laid down specific rules for carrying on their activities in an efficient and systematic manner. He held that " the health of the inhabitants was one of the first duties of the Magistrate " and with this view directed all District Magistrates to encourage vaccination.[2]

The plan seems to have worked well under the energetic Dr. Mackenzie, the first Superintendent. Within one year the number of persons vaccinated was reported to have increased from 7,070 to 178,074[3] and within two years it was reported to have risen to 243,173.[4] In the city of Madras itself, to arrest the progress of smallpox, an isolation hospital was built outside the bounds of the Black Town.[5] The Directors applauded these measures but cautioned the Government not to "alarm the minds of the natives with respect to either their custom or religion "[6]. The Government, however, appear to have avoided opposition by skilful propaganda. And, being encouraged by the results, they endeavoured to spread it also in Coorg, Mysore and Java.[7] The Directors rejoiced " at the blessings we have been the instrument of diffusing over the whole of Indian population."[8]

It is to this same sentiment of relieving suffering that we must attribute the endeavours made by the Government to check the ravages of cholera, which broke out in 1819. In all districts in

1 Manual of Administration of the Madras Presidency, Volume I, page 511, note : Judicial Consultations, dated 18th June 1805.
2 Bentinck's Minute in Judicial Consultations, dated 18th June 1805 ; Military Despatches to England, Volume XXXVI—Despatch, dated 8th September 1805, paragraphs 435–442 ; Judicial Despatches to England, Volume I—Despatch, dated 8th September 1805, paragraphs 102–113.
3 Judicial Despatches to England, Volume I—Despatch, dated 12th February 1806, paragraphs 35–37 ; Despatch, dated 21st October 1806, paragraphs 45–47.
4 Judicial Despatches to England, Volume I—Despatch, dated 21st October 1807, paragraphs 77–79.
5 Judicial Consultations, dated 15th February 1811, 8th November 1811, 6th December 1811 and 18th February 1812 : Judicial Despatches to England, Volume III—Despatch, dated 29th February 1812, paragraph 104.
6 Judicial Despatches from England, Volume I—Despatch, dated 8th April 1811, paragraphs 45–46.
7 Judicial Despatches to England, Volume III—Despatch, dated 29th February 1812, paragraphs 102–103; Judicial Consultations, dated 5th February 1811, 29th March 1811, 14th June 1811 and 15th August 1811.
8 Judicial Despatches from England, Volume II—Despatch, dated 2nd June 1814, paragraph 45.

which the epidemic appeared the Magistrates were authorized to incur the necessary expenses for providing the sick with attendance and medicines.[1] To the same sentiment must also be ascribed the erection of lunatic asylums at the headquarters of the four Provincial Courts.[2]

While the first set of humanitarian measures related to public health, the second related to public morality. Nowhere was the society more overridden by ancient customs and religious prejudices than in India. Nowhere, therefore, was the State, which had to look after the welfare of the society, more harassed by obstacles in its social reforms. Every step in this direction demanded vigilance to avoid, as far as possible, interference in religion—an interference which, in those early days of the Company's administration, was fraught with danger to the very existence of the Company in India. And it was this vigilance and not any reluctance to eradicate social evils that restrained the enthusiasm of some of the district officials and delayed the progress of ameliorative measures.

Slave-trade and domestic slavery were two of these evils which called for redress. Both were particularly rampant in Malabar and Tanjore and both thrived under the vicious cloak of customary sanction. Domestic slavery was, for a long time, tolerated by the British chiefly because of the time-honoured nature of this institution. They, however, thought that this "degraded institution" would die of itself when the very means by which it prospered, namely, slave-trade, was removed.[3] But even in the case of domestic slavery they did much to improve the lot of the unhappy victims. In 1820 circular orders were issued to the Magistrates directing them to penalize all persons who might ill-treat their slaves, as the Muslim Law did not sanction such cruelty.[4] They also ordered the Magistrate of Tinnevelly to put a stop to the practice of selling young girls to dancing women to be brought up as prostitutes, since such a practice was prohibited by the existing law.[5] Indeed, the Government held that, if they were to tolerate slavery simply because it was sanctioned by custom and usages, it was incumbent upon them "to take care that the slave received the full benefit of such safeguards as those very customs and usages had provided against the oppression and cruelty of the master".[6]

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[1] Judicial Despatches to England, Volume IV—Despatch, dated 11th March 1820, paragraph 136.

[2] *Idem*, paragraph 117.

[3] Judicial Despatches to England, Volume III—Despatch, dated 5th March 1813, paragraph 106.

[4] Circular Orders of the Court of Faujdari Adalat, 1806–1846—Order, dated 27th November 1820, pages 33–34.

[5] Judicial Despatches to England, Volume V—Despatch, dated 29th December 1826, paragraphs 107–108; Judicial Consultations Nos. 3 and 4, dated 13th January 1826.

[6] Judicial Despatches to England, Volume V—Despatch, dated 23rd January 1827, paragraph 10.

On this principle they directed the Second Judge of the Court of Circuit of Malabar to permit the married slaves to live together wherever that was the ancient usage.[1] But it was not till 1841 that the Government took courage to declare that no domestic slave could be sold or purchased,[2] and not till 1846 that they enacted legislation for removing the distinction between the master and the slave.[3]

In regard to slave-trade, however, the British pursued a more energetic policy. From the very beginning of their administration in Malabar, this "nefarious traffic" had claimed their attention. Kidnapping persons with a view to selling them as slaves had been punished with whipping and transportation to the Andamans. The Malabar Commissioners of 1793 had decried this traffic and ordered the Chief and Factors of Tellicherry to suppress it wherever it prevailed. But, still, the practice continued unabated in the beginning of the nineteenth century.[4]

Soon after the passing of the Statute, 51 George III, Cap. XXIII declaring slave-trade a felony throughout the British Empire,[5] Mr. Baber, the Magistrate of Malabar, drew the attention of the Government to the practice of kidnapping children from Travancore to Malabar, and selling them as slaves and recommended special legislation for its suppression. At the same time he arrested some of the ringleaders, punished them for the crime of kidnapping and set at liberty some of the free-born slaves.[6]

The Government approved his action but found it difficult to pass special legislation. The Advocate-General, it was true, held that the provisions of the statute might be incorporated into a Regulation with additional safeguards to prohibit the import of slaves both by sea and land. But the subject was of All-India importance and the Government felt that the Supreme Government alone were competent to legislate upon it. They therefore referred it to the Supreme Government.[7] And by the time the Supreme Government authorized local legislation on the lines of the Bengal Regulation X of 1811,[8] the Government began to entertain serious doubts as to whether any special legislation might not be looked upon by the people as an infringement of their established customs

1 Judicial Despatches to England, Volume V—Despatch, dated 23rd January 1827, paragraph 10.

2 Circular Orders of the Court of Faujdari Adalat, 1805–1846—Order, dated 10th February 1841, pages 258–259.

3 The Legislative Acts of the Governor-General in Council, Volume I, 1834–1851 by William Theobald—Act V of 1843, pages 392–393.

4 Judicial Consultations, dated 31st March 1812—*See* Mr. Baber's letter.

5 East India Company Charters and Statutes, pages 1059–1061.

6 Judicial Consultations, dated 31st March 1812 and 29th May 1812; Judicial Despatches to England, Volume III—Despatch, dated 5th March 1813, paragraph 92 sqq.

7 Judicial Consultations, dated 31st March, 29th May, 31st July, 14th August, 11th September, 23rd October, 20th November and 1st, 4th, 8th and 22nd December 1812; Judicial Consultations, dated 22nd January and 26th July 1813; Judicial Despatches to England, Volume III—Despatch, dated 5th March 1813, paragraphs 92–113.

8 Bengal Regulations and Acts, 1806–1834, Volume II, pages 176–178.

and religious usages.[1] Finally, they pitched upon the only course which the statute provided. The Magistrates, in their capacity as Justices of the Peace, were to arrest all persons concerned in the slave-trade and send them up for trial before the Supreme Court of Judicature or the Court of Admiralty. This course was suggested to Mr. Baber[2] as well as to Mr. Cotton, the Magistrate of Tanjore, when the latter reported that the crime of kidnapping children and transporting them by sea to sell them as slaves was prevalent in Tanjore and recommended special legislation for its suppression.[3]

A similar caution coupled with greater enthusiasm and greater boldness was shown in the case of sati, a social evil of no less magnitude in some of the districts. The proposal to abolish this evil was first made by Mr. C. M. Lushington. Both as Magistrate of Tanjore (1813) and as Magistrate of Trichinopoly (1819) he recommended its suppression. "I look upon this inhuman practice," he said, "as one tolerated to the disgrace of the British Government."[4] But the Government on both these occasions authorized him to discourage it only by persuasion.[5] The Directors, however, felt that mere persuasion was not enough. This barbarous practice, "this terrible method of proving her attachment to her deceased husband," they wrote, must be tolerated only if the widow of her own free will resorted to it. The Bengal Government had proposed to prohibit it in the case of widows who were in a state of pregnancy, who were intoxicated, or who were below 16 years of age, as being contrary to the sastras and established usages. These restrictions, they thought, might well be enforced in Madras. But they wished to be fully informed of the gravity of the evil.[6]

It should not be forgotten that this was the age in which men were not wanting in courage to openly criticise in Parliament the Company's administration. In 1819, Mr. Hume pressed for an enquiry into the Judicial administration of India.[7] In 1821, Mr. Fowell Buxton moved for all papers on the burning of Hindu widows in India and deprecated its continuance under the British Government.[8] In 1823, the Bedford Society presented a petition

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[1] Bengal Regulations and Acts, 1806-1834, Volume II, pages 176-177: Judicial Despatches to England, Volume III—Despatch, dated 1st March 1815, paragraphs 50-54.

[2] Judicial Despatches to England, Volume III—Despatch, dated 1st March 1815, paragraph 54; Judicial Consultations, dated 30th April and 9th July 1813.

[3] Judicial Consultations Nos. 11-12, dated 28th June 1825; Nos. 8-9, dated 22nd July 1825; Nos. 6-8, dated 9th August 1825 and Nos. 5-6, dated 2nd September 1825; Judicial Despatches to England, Volume V—Despatch, dated 29th December 1826, paragraphs 102-106.

[4] Judicial Consultations, dated 2nd February 1830—*see* the concluding portion of the President's Minute and the appendices to the Minute.

[5] Judicial Despatches to England, Volume III—Despatch, dated 1st March 1815, paragraphs 93-94

[6] Judicial Despatches from England, Volume III—Despatch, dated 4th March 1818, paragraphs 36-41.

[7] Hansard—Volume XXXIX, 1819, pages 1000-1004.

[8] Hansard—New Series, Volume V, page 1117 sqq.

to terminate sati and this petition was warmly commended by Wilberforce.[1]

It was in this atmosphere that enquiries on sati were instituted in Madras. The Faujdari Adalat, to whom the remarks of the Directors were referred, submitted a detailed report in 1821. They observed that the evil prevailed to a considerable extent only in the districts of Ganjam, Masulipatam, Chittoor, Tanjore and Kanara and suggested that it might be restrained not only by enforcing the provisions of the Hindu Law against it, but also by requiring the Magistrates to carry on an intensive propaganda against it. But the Government deemed it advisable to avoid drawing public attention to the evil. They, however, asked the Magistrates to strictly enforce the provisions of the Hindu Law and penalize all persons who contravened them.[2]

The matter, however, did not end here. As soon as the Bengal Regulation for prohibiting sati[3] was received in Madras, Stephen Rumbold Lushington, the Governor, recorded a strong minute recommending its instant abolition. He condemned the practice as "revolting to the feelings of human nature," maintained that its existence was solely attributable to the "joint rapacity" of the priests and the widow's relations, and asserted that it received no sanction in Manu's Dharma Sastra, which, on the other hand, preached "an exalted course of temperance and virtue" to the widows. His colleagues happily concurred with him and so was enacted Regulation I of 1830 for abolishing sati in the Madras Presidency.[4]

Turning to the spheres of law and prison administration, we witness a whole crop of reforms of a humanitarian character. That the law, especially criminal, should be simplified, codified and disseminated among the people was again and again urged by the Directors.[5] Simplification and codification, however, could not be efficiently undertaken by the Government, though they attempted to do something in these directions by issuing from time to time revised Regulations consolidating the provisions of previous ones[6] and by encouraging Mr. Campbell to publish a code of unrepealed Regulations.[7] It was not till the Law Commissions of

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1 Hansard—New Series, Volume IX, page 1011 sqq.

2 Judicial Consultations Nos. 2 and 4, dated 6th April 1821 and Nos. 11–12, dated 27th July 1821; Judicial Despatches to England, Volume IV—Despatch, dated 4th January 1822, paragraphs 29–30.

3 Bengal Regulations and Acts, 1806–1834—Regulation XVII of 1829, pages 878–880.

4 Judicial Consultations, dated 2nd February 1830—*see* the President's Minute of 19th January 1830 and the Government order.

5 Judicial Despatches from England, Volume I—Despatch, dated 8th April 1807, paragraph 35; Despatch, dated 26th March 1812, paragraphs 87–88; Judicial Despatches from England, Volume II—Despatch, dated 29th April 1814, paragraphs 18–20, 24–26 and 110; Judicial Despatches from England, Volume V—Despatch, dated 6th May 1829, paragraph 65.

6 e.g., Regulations VI of 1816, IX of 1816, XIII of 1816, VII of 1818, 1 of 1825.

7 Judicial Despatches to England, Volume V—Despatch, dated 4th July 1828, paragraphs 32–34; Judicial Consultations, dated 27th May and 19th December 1823 and 23rd February 1827.

1833 and 1853 were appointed and not till a Macaulay was found to initiate the task that the prospect of a thorough codification of the laws became a certainty. But, for the dissemination of the laws, the Government issued instructions to the Collectors and Tahsildars to tour the various parts of their districts explaining the provisions of the Regulations, to proclaim by beat of tom-tom these provisions in the languages of the districts and to affix the translations of Regulations to the most conspicuous parts of their offices.[1]

That arrests should be soon followed by trials, that none should be confined without trial, was also a principle repeatedly stressed by the Directors.[2] To cite only two instances: They found fault with the Government for having denied the opportunity of trial to certain political prisoners in Malabar before the Malabar Special Commission. They also reprimanded the Government for having detained certain persons at Gooty without trial[3] for a long period. "Nothing short of most imminent danger" to the State, they remarked, "could, in our opinion, warrant such a departure from every principle of British law and British justice".

That punishment should be proportionate to the crime was another principle urged by the Directors. They censured the Government for having transported the children of certain political prisoners to the Prince of Wales Island, ordered their immediate recall and release and required them to be amply compensated by stipends in land or money for their adequate support.[4] They abhorred the principle of visiting the sins of the parents upon the children[5] and condemned all cases of retrospective punishment declaring it "contrary to the first principles of justice."[6] In all these matters the Government had to abide by the wishes of the Court of Directors and to issue, where necessary, suitable instructions to their subordinates to avoid similar errors in future.[7]

It should also be observed that the Government took the initiative in some notable matters relating to crime and punishment.

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[1] Judicial Despatches to England, Volume I—Despatch, dated 8th September 1805, paragraphs 54–58; Judicial Despatches from England, Volume I—Despatch, dated 8th April 1807, paragraph 35; Judicial Despatches to England, Volume XI—Despatch, dated 26th April 1836, paragraph 18.

[2] e.g., Judicial Despatches from England, Volume I—Despatch, dated 28th August 1805, paragraph 12; Judicial Despatches from England, Volume II—Despatch, dated 29th April 1814, paragraph 100 sqq.; Judicial Despatches from England, Volume II—Despatch, dated 12th October 1814, paragraph 23; *Idem*, Despatch, dated 9th November 1814, paragraph 165.

[3] Judicial Despatches from England, Volume I—Despatch, dated 28th August 1805, paragraph 12; Judicial Despatches from England, Volume II—Despatch, dated 12th October 1814, paragraph 23; Judicial Despatches to England, Volume VII—Despatch, dated 23rd October 1832, paragraph 37.

[4] Judicial Despatches from England, Volume III—Despatch, dated 4th March 1818, paragraphs 58–59.

[5] Judicial Despatches from England, Volume III—Despatch, dated 4th March 1818, paragraphs 58–59.

[6] Judicial Despatches from England, Volume I—Despatch, dated 31st January 1810, paragraph 29.

[7] Judicial Despatches to England, Volume IV—Despatch, dated 11th March 1820, paragraphs 32–39.

It was the Government who proposed and abolished the exceedingly harsh modes of inflicting corporal punishment with the corah and rattan and substituted in their place the less harsh mode of inflicting stripes with the cat-o'-nine tails.[1] It was the Government who, on their own initiative, ordered that such of the convicts as were weak or sick should not be whipped, and that whipping should, in all cases, be done in the presence of medical men.[2] It was again the Government, who, on their own initiative, exempted females from whipping,[3] and even went to the extent of seriously considering the possibility of abolishing all forms of corporal punishment.[4]

In prison administration too the credit for humanitarian reforms was evenly shared by the Government and the Directors. The Government passed a series of measures to lessen the harshness of the lot of prisoners.. The prisoners were to be transferred from one jail to another only under medical inspection at each stage of their journey.[5] They were not to be linked together in jails.[6] Prisoners awaiting trial were, on no account, to be confined in fetters.[7] Felons alone were to be subjected to the degradation of wearing chains.[8] The fetters were not to be heavy and were to be removed when the prisoner was ill or unfit to bear them.[9] The Criminal Judges and the surgeons were to visit the jails weekly. The surgeons were to report to the Judges on the health of the prisoners, the quality of food supplied to them and the cleanliness of their apartments. Indian prison doctors were to reside in the vicinity of the prisons. Prisoners were to be supplied each with a cumbly (blanket) first on their admission and then once a year. They were to be provided with bamboo-mats to sleep on and their sleeping rooms were to be aired and cleaned daily. The walls of the prisons were to be scraped and white-washed once in every quarter. The linen of the prisoners was to be regularly washed at stated periods. The sick prisoners were to be immediately removed to the hospital. And, as per the provisions of Section 29 of Regulation X of 1816, men and women, those under sentence of death and those sentenced to confinement, those awaiting trial and those convicted for petty offences, were to be segregated and never allowed to mix with one another.[10]

Further, the Government approved and extended the interesting experiment, originally made by Mr. Newnham, the Judge of

1 Madras Regulations VIII of 1828 and II of 1830; Judicial Despatches to England, Volume VI—Despatch, dated 25th June 1830, paragraphs 21–22.

2 Circular Orders of the Court of Faujdari Adalat, 1805–1846—Circular, dated 2nd August 1821, page 39.

3 Madras Regulation II of 1833.

4 Judicial Despatches to England, Volume X—Despatch, dated 10th November 1835, paragraph 19.

5 Circular Orders of the Court of Faujdari Adalat—Circular, dated 22nd July 1814, pages 5–6.

6 *Idem*, page 6.

7 *Idem*—Circular, dated 8th October 1821, page 41.

8 *Idem*—Circular, dated 27th June 1831, pages 149-150.

9 *Idem*—Circular, dated 8th October 1821, Rules 17–19, pages 43–44.

10 *Idem*—Circular, dated 8th October 1821, Rules 1, 2, 11, 12, 13, 21, 47, 48, 51 and 52.

Cuddapah, namely, that "of improving the morals of the convicts and rendering them useful members of society" by employing them according to their different avocations and aptitudes in manufacturing the various implements of industry, bricks, tiles, charcoal, cumblies, coarse cloth and even paper.[1] The paper manufactured in jails was intended for the consumption of the Revenue and Judicial officers of the districts. The Government also encouraged the Magistrate of Guntur to reform the character of the criminal tribe of Chenchus by teaching them arts and crafts so as to wean them from their criminal instincts and make them useful members of society.[2]

The part played by the Court of Directors in these fields was not less noble. They recommended that even the more numerous and more dangerous criminal tribes of Phasigars, Irulars and Yanadis might be reformed and "allured to the occupation of civil life" by granting them rent-free allotments of waste land, and by encouraging them, through their chiefs, to betake themselves to agriculture.[3] Further, they insisted that all the rules and regulations which were issued from time to time should be systematically enforced and the persons breaking them taken to task. Every time, therefore, a rule was broken or an arbitrary procedure was adopted by their servants, the Government were sure of receiving a reproof. Thus, when 24 convicts were, on one occasion, taken from Kanara to the Nilgiris for constructing roads and some of them died on account of the severity of the cold and for want of medical aid, the Directors complained that the procedure amounted not only to an enhancement of the sentence but also to a deliberate act of cruelty.[4] When, in order to fill up the Negapatam ditch, 100 convicts were summoned from Trichinopoly and Kumbakonam and some of them being old and sick died on the way, the Directors characterised the affair as an "unfeeling mockery" of justice.[5] But the subject on which they felt very strongly was the mortality in jails. In some cases this was attributed to the unhealthy situation of the jails, in others to overcrowding and yet in others to periodic outbreaks of cholera and other diseases.[6] The high percentage of mortality, which ranged from 20 to 38 per cent in some of the jails in 1834, stirred the wrath of the Directors. It is, they wrote, "a reproach

[1] Judicial Consultations, dated 3rd February 1815; Judicial Despatches to England, Volume IV—Despatch, dated 5th January 1816, paragraphs 31–33; Judicial, Despatches from England, Volume III—Despatch, dated 31st December 1817, paragraph 22.

[2] Judicial Consultations Nos. 14–15, dated 13th February 1821; Judicial Despatches to England, Volume IV—Despatch, dated 4th January 1822, paragraph 15 Despatch, dated 3rd February 1820, paragraph 93.

[3] Judicial Despatches from England, Volume I—Despatch, dated 29th October 1813, paragraphs 37–38.

[4] Judicial Despatches from England, Volume VII—Despatch, dated 30th April 1834, paragraph 64.

[5] *Idem*—Despatch, dated 30th April 1834, paragraphs 77–78.

[6] Judicial Despatches from England, Volume V—Despatch, dated 6th May 1829, paragraph 34; Judicial Despatches from England, Volume IX—Despatch, dated 11th October 1837, paragraphs 17–19; Despatch, dated 13th December 1837, paragraphs 18–23.

on your Government."[1] It superadded the penalty of death to the penalty of imprisonment imposed under the law. Such a travesty of justice should be avoided, they insisted, by building all prisons upon a uniform plan in healthy localities and by providing the prisoners with proper food and medical assistance.

It is to this period, therefore, we must look for the removal of great social injustices, for the gradual removal of domestic slavery, for the abolition of slave-trade and for the suppression of sati. To this period we must look for the initiation of measures relating to public health and the beginnings of that happy augury, the removal of harshness which, in an especial manner, characterised criminal law and prison administration. A curious observer may detect in this period the influence of humanitarian ideas even in revenue administration. The various measures taken to protect the cultivators from the oppressions and exactions of the zamindars and other intermediaries may well be regarded as manifestations of these ideas. But it must be remembered that an age of great legislative activity is hardly favourable to regular systematic administration. Many a law or rule passed remained yet to be enforced and many an imperfection of these rules or laws remained yet to be detected and remedied. Nevertheless, we cannot but look upon this period as a memorable epoch in the history of the Company's administration.

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1 Judicial Despatches from England, Volume IX—Despatch, dated 5th January 1838, paragraph 13; Despatch, dated 13th December 1837, paragraph 23.

PRISON ADMINISTRATION IN MADRAS, 1802—1840.

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Prison administration in Madras began with the introduction of the Cornwallis system in 1802. Before that year there was neither any code of criminal law nor any hierarchy of criminal courts. A few prisoners apprehended and summarily tried by the Collector-Magistrates[1] were either whipped soundly and set free or confined in miserable town or village choultries[2]. But, with the introduction of the Cornwallis system of judiciary,[3] with the passing of a whole body of criminal law and the setting up of a succession of courts, the Sadr Faujdari Adalat[4], the four Provincial Courts of Circuit[5] and the twenty Zilla Criminal Courts[6], it became essential to erect proper prisons and to frame rules for their management. And in this important task the Company's administrators were, in a considerable measure, influenced by humanitarian ideas, by the ideas propounded by reformers like Howard and Bentham.

In the beginning, however, the prisons do not appear to have been constructed on any regular plan. Some old tents, a couple of hired houses, a disused pagoda or a dilapidated wing of the court-house itself, it is these that constituted the zilla prisons[7]. Obviously, in such places, security could not be had, nor could discipline be maintained. Many a time, therefore, we hear of brawls, riots and escapes[8]. But by about 1816, new substantial prisons were built according to plan. Each prison was enclosed by a wall 10 to 12 feet high and provided with several wards, each ward consisting of a number of cells. A whole ward or one or more cells were allotted to the different classes of prisoners, debtors and felons, novices and hardened criminals, females and juvenile culprits. Every prison, as a rule, was also equipped with a hospital, a dispensary, a

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[1] Revenue Consultations, dated 19th April 1793. Volume 50-A, pages 449–451.

[2] Revenue Consultations, dated 10th August 1792, Volume 47.

[3] Madras Regulations—Regulations I to XXIII.

[4] Regulation V of 1802.

[5] Regulation IV of 1802.

[6] Regulation II of 1802.

[7] Judicial Consultations, dated 24th September 1805, Volume 12, page 1925; dated 4th April 1807, Volume 24, page 1059; dated 6th June 1807, Volume 28, page 3558 sqq; dated 12th June 1807, Volume 28, page 3575: dated 30th December 1807, Volume 32, page 5862 sqq; dated 8th March 1808, Volume 34, page 717; dated 8th March 1808, Volume 34, page 722; dated 11th March 1808, Volume 34, page 742; dated 19th April 1808, Volume 35, page 1133; dated 22nd May 1812, Volume 72, page 2737; dated 1st March 1816, Volume 111, page 776; dated 1st March 1816, Volume 111, page 790.

[8] Judicial Consultations, dated 10th April 1810, Volume 50, page 1329: dated 22nd March 1811, Volume 60, page 1159; dated 28th January 1812, Volume 69, page 481; dated 31st January 1812, Volume 69, page 498; dated 9th December 1816, Volume 120, page 5229; dated 23rd December 1816, Volume 120, page 5405.

manufactory, guard-rooms, lunatic cells, store-rooms, kitchens, wells and latrines[1].

Each zilla prison was under the immediate charge of a jailor who was generally an Indian but sometimes a European[2]. He was assisted in his work by a number of prison guards. Medical aid to the prisoners was afforded by the zilla surgeon, who was asked to visit the prison periodically[3], and by the resident Indian doctor attached to the prison hospital and the dispensary[4]. The duties of the jailor, the surgeon and the doctor, in fact all matters relating to the zilla prisons, were supervised by the Zilla Criminal Judge. At first, he was required to visit the prison at least once a month, but later, once a week, to investigate and redress all complaints of ill-treatment, preferred to him by the prisoners against the jailor or any other officer[5]. He was specially asked to be "attentive to the health and cleanliness of the prisoners and to see that surgeon of the station attends and administers to the sick." He was answerable to the Judges of Circuit who were asked to visit the prisons in their division on every circuit and to issue to the Criminal Judges such orders as might be necessary "for the treatment and accommodation or security of the prisoners"[6]. And the Circuit Judges, after each half-yearly or quarterly circuit, were expected to report on the state of the prisons to the Sadr Faujdari Adalat.[7] The Faujdari Adalat was responsible to the Government.

It is, however, not so much these general arrangements as the detailed measures adopted for the internal management of the prisons regarding accommodation, food, clothing, sanitation, labour and discipline that show the broad humanitarian outlook of the Government.

The salutary principle of separate accommodation for the different description of prisoners was promulgated by the Government so early as 1802 itself, before actually the prisons were built. It was then laid down that separate cells in each prison should be allotted to those under sentence of death, those sentenced for long terms, those committed for trial before the Circuit Judges and those sentenced for petty crimes by the Magistrates[8]. But these rules could be enforced properly only after suitable prisons were constructed. In 1816 and 1821 they were specially enjoined on all prison authorities[9].

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1 Judicial Consultations, dated 26th October 1816, Volume 115, page 4031 sqq; dated 26th October 1816, Volume 118, page 4062; Circular Orders of the Faujdari Adalat, dated 8th October 1821; Judicial Consultations, dated 11th February 1825, Volume 182, page 254 sqq

2 Circular Orders of the Faujdari Adalat, dated 22nd May 1837.

3 Regulation VI of 1802, Section XX; Circular Orders of the Faujdari Adalat, dated 8th October 1821, Rule 2.

4 Circular Orders of the Faujdari Adalat, dated 8th October 1821, Rule 47.

5 Regulation VI of 1802, Section XX; Regulation X of 1816, Sections XXVII—XXVIII.

6 Regulation VII of 1802, Section XXXII.

7 Regulation VII of 1802, Section XXXVII.

8 Regulation VI of 1802, Section XXI.

9 Regulation X of 1816, Section XXIX; Circular Orders of the Faujdari Adalat dated 8th October 1821, Rules 50–51.

In regard to food, the prisoners were undoubtedly well treated. In fact, the allowances given them and the luxuries afforded them placed them on a footing better than that of common wage earners. A seer of rice, curry, meat, fish or fowl, betel and tobacco and even ganja and, when sick, wines and liquors, such was the ample fare generally allowed to the prisoners. In addition, in some prisons, they were permitted to get extra food from their friends and relations and were also given extra rations when they performed hard labour.[1] This liberality shown to the prisoners was now and again assailed by some of the Criminal Judges on the ground that it made imprisonment lose its terrors, set a premium on crime and defeated the end of punishment. The Government were therefore compelled to prohibit luxuries except on medical advice[2] and to restrict the rations and allowances to what they considered as the minimum in 1831. Each prisoner was thenceforward ordered to be given about a seer of rice or cholam and 30 cash or 4 pice daily for the purchase of firewood, curry stuff, salt and other provisions. The rice and provisions were ordered to be supplied from the prison stores and no prisoner was allowed any extra food from his friends or relatives.[3] As to clothing and sanitation, the prisoners were periodically supplied with coarse cloth, cumblies, mats and country cots when sick and strict orders were issued for washing their linen weekly, for keeping their cells clean and well ventilated, for protecting prison wells and for scraping and whitewashing the prison walls once in every quarter, or oftener, if necessary.[4] But it must not be forgotten that in spite of these sanitary measures, in spite of the medical aid afforded on the spot, considerable mortalities on account of cholera and other diseases at times occurred in some prisons. They were attributed mostly to overcrowding and to avoid overcrowding the Government frequently authorized the removal of prisoners from one zilla prison to another.[5]

Prison labour was, for the most part, of the light kind. Even those who were sentenced to hard labour were usually engaged in the work of common artisans and craftsmen. Indeed, the object underlying most of the items of labour allotted to the prisoners was to reform them, to teach them arts and crafts with a view to making them, upon their release, useful earning members of society. The credit for introducing plans based on these noble sentiments

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[1] Judicial Consultations, dated 31st May 1825, Volume 184, page 1034 sqq.; Judicial Despatches to England, Volume 4—Despatch, dated 3rd February 1826, paragraphs 107–108.

[2] Circular Orders of the Faujdari Adalat, dated 25th January 1830-B; and 27th October 1830-A.

[3] Circular Orders of the Faujdari Adalat, dated 2nd June 1831.

[4] Circular Orders of the Faujdari Adalat, dated 8th October 1821, Rules 10–13 and 44–49; Judicial Consultations, dated 31st May 1825, Volume 184, page 1034 sqq.

[5] Judicial Despatches from England, Volume 9—Despatch, dated 11th October 1837, paragraph 17; Despatch, dated 13th December 1837, paragraphs 18–24; Despatch, dated 15th January 1838, paragraph 13; Judicial Despatches to England, Volume 5—Despatch, dated 11th July 1828, paragraphs 54 and 75–76; Judicial Despatches to England, Volume 15—Despatch, dated 2nd January 1840, paragraph 14.

belongs to an able civilian, Mr. Newnham, the Judge and Magistrate of Cuddapah. It was he who, for the first time, systematically employed the prisoners for manufacturing carpenters' and masons' tools, bricks, mats, cumblies, coarse cloth—the last three for the use of the prisoners themselves—and what is more, country paper, for the use of the courts. The Government warmly recommended his plans to all Criminal Judges.[1] It is interesting to note that tread-mills were erected in the prisons of Cuddapah, Bellary, Nellore, Masulipatam, Chittoor, Chingleput and Tinnevelly and that the paper manufactured by them was found more than sufficient for the use of both the Revenue and Judicial Departments of those districts.[2]

These items of labour were, in course of time, considered too light to be allotted to convicts sentenced to hard labour. From the beginning, it is true, minor public works, such as erecting small bridge-heads or repairing minor roads, were occasionally entrusted to the prisoners[3]. But, it was not till 1816, not till Mr. Wright, the Criminal Judge of Chittoor, had discovered the immense possibilities of convict labour for constructing large irrigation tanks and making or repairing trunk roads, that the Government ordered the systematic employment of convicts on such public works in all districts. Thenceforward the convicts of a whole division, or a group of districts, were regularly employed on public works under proper supervision.[4] In 1836, elaborate rules for the care and custody of convicts, when so employed, were issued.[5]

There could hardly have been any regular discipline in the earlier years in prisons when they were so ill-provided. But, with the construction of suitable buildings and the segregation of the different classes of prisoners, it became possible not only to shut them off from the outside world but to restrain their associations, to limit their activities, within the prison walls. These circumstances, as also the ban on the erection of any private dwellings of theirs or their relatives near the prisons and the prohibition of interviews with their female connexions, except with the special permission of the Criminal Judge[6], went a long way to improve

1 Judicial Consultations, dated 3rd February 1815, Volume 104, pages 555-570; Judicial Despatches to England, Volume 4—Despatch, dated 5th January 1816, paragraphs 31-33; Judicial Despatches from England, Volume 3—Despatch, dated 31st December 1817, paragraph 22.

2 Judicial Consultations, dated 23rd April 1816, Volume 113, page 1304; dated 24th March 1818, Volume 130, page 766; dated 15th June 1821, Volume 157, page 1533; dated 9th January 1835, Volume 280, page 99; dated 21st April 1835, Volume 283, page 1462; dated 11th August 1835, Volume 290, pages 4290 and 4302; dated 8th October 1838, Volume 353, page 6235.

3 Judicial Consultations, dated 12th April 1808, Volume 34, page 1097; dated 18th April 1808, Volume 35, page 1108; dated 31st January 1812, Volume 69, page 507.

4 Judicial Consultations, dated 17th April 1816, Volume 113, page 1206; dated 25th May 1816, Volume 114, page 1898; Judicial Despatches to England, Volume 4—Despatch, dated 5th January 1816, paragraphs 26-30; Judicial Despatches from England, Volume 3—Despatch, dated 31st December 1817, paragraphs 19-21.

5 Judicial Consultations, dated 4th October 1836, Volume 314, pages 6862-6872.

6 Circular Orders of the Sadr Faujdari Adalat, dated 8th October 1821, Rules 25-28 and 37.

discipline. To add to this, the prison authorities were empowered in 1832 to hold summary enquiries into all matters relating to discipline and to punish refusal to work or wilful neglect by stripes up to 60 with the cat-o'-nine-tails and by reduction of diet allowances, and resistance to the jailor, abusive language, riot, insurrection, attempt to escape or tampering with irons by stripes up to 150 and, as far as practicable, by solitary confinement.[1] The harshness that was involved in the infliction of corporal punishment was, to a great extent, taken off by the riders warning the whippers not to strike on any part of the body except the upper part of the back and empowering the prison doctor to stop whipping at any stage, if he deemed it necessary.[2] Suitable penalties were also prescribed for the neglect of duty on the part of the prison guards.[3]

1 Regulation X of 1832; Regulation XIII of 1832.

2 Circular Orders of the Faujdari Adalat, dated 2nd August 1821; Regulation VIII of 1828.

3 Regulation XIII of 1832, Section XI.

HISTORY OF TOBACCO REVENUE.

[Written in 1938. It traces in detail the history of the Tobacco Monopoly and other modes of raising revenue from tobacco in the past.]

In the first half of the nineteenth century various modes of raising revenue from tobacco were tried in the Madras Presidency. Of these, the system or rather the systems of Government monopoly established in Kanara and Malabar yielded the highest revenue, but at the same time, gave to the administrators of those days a good deal of trouble and vexation. In all other districts revenue from tobacco was raised by means of land customs and in some important towns by means of town duties and the farming system. We may describe first the system of monopoly as it was introduced in 1803–1807, the manner in which it was conducted, the results which it produced, the transformations which it underwent, the hopes, fears and discussions which it aroused until it was finally abolished in 1853, and then deal briefly with the other modes of taxation, the land customs, the town duties and the farming system, which yielded but a comparatively small revenue.

PART I.—THE MONOPOLY : ITS INTRODUCTION AND WORKING (1803–32).

When the East India Company acquired Kanara and Malabar, they did not have to delve deep into the history of the past to select precedents on which they could rely to raise revenue from tobacco. In Malabar alone Tippu is credited to have raised more than 2,800 pagodas per annum.[1] His system, the details of which are not easily procurable, appears to have consisted in farming the revenue from tobacco along with the other items of sayer duties to the renters, who, in addition to levying an import duty, collected fees (called "Corrack" in Kanara) by issuing licences to the petty dealers or vendors for the sale of tobacco.[2] It cannot be ascertained whether the farmer himself purchased all tobacco from wholesale merchants or permitted them to sell it to the licensed vendors. Nor is it clear whether he fixed any specific retail price. It is, however, this system of taxation which induced the British to establish the tobacco monopoly in the two districts.[3]

In both the districts the monopoly was legalized only in 1811[4] but it was introduced some years earlier. In Kanara it was

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1 Malabar Commission Report, 1792–1793, paragraph 452 and Board's Consultation, dated 16th January 1815, paragraph 65 (Malabar Miscellaneous Volume 2646).

2 General Report of the Board of Revenue, dated 5th October 1806, paragraph 681; Board's Consultations Nos. 19–20, dated 6th March 1806—Ravenshaw's Report, paragraph 7.

3 General Report of the Board of Revenue, dated 6th October 1806, paragraph 681.

4 *See* page 275.

introduced by the Collector, Mr. Ravenshaw, in 1803, and by 1807 it was extended to the whole of the district.[1] Under this system, the precursor of all other systems, a customary duty of 3½ per cent was levied on all tobacco imported; and the amildars, the "sibbandi" or the amins, as they were variously styled, who were given advances by the Collector, bought the tobacco from the wholesale merchants usually at the rate of 17 to 20 star pagodas per candy of 560 lb., and distributed it to the licensed vendors for 66 pagodas, who, in turn, retailed it to the consumers at 76 pagodas per candy.[2] Both the monopoly price and retail price were fixed by the Collector subject to the Board's approval. No restriction was at first placed on importation by wholesale merchants,[3] but subsequently, to reduce illicit traffic, the Board ordered that free importation might be allowed only to those merchants who would contract with the Collector for the supply.[4] The tobacco procured on account of the Government was sorted in the great depot at Mangalore and from thence distributed as required in bullock-carts or boats to the taluk depots from where it was sold to the vendors by the amins at the monopoly price. The amins kept an account with the retail vendors and the Collector reported that "when they are found deceiving the Sirkar", the privilege of buying and distributing tobacco was taken away from them and given to others.[5] The records are silent on the point whether the amins were paid any percentage on their sales for their trouble. At any rate, the sole right of purchase and distribution of tobacco left to the amins afforded them great temptation for fraud and, therefore, Mr. Read, who succeeded Mr. Ravenshaw, limited the duty of the amins to the superintendence of the retail sale and himself entered into contracts with the Indian wholesale dealers.[6] Contracts with the Indian merchants, however, were soon replaced by an exclusive contract with a European officer. In 1805, Mr. Skelton, the Master Attendant at Mangalore, having offered to supply tobacco at a price cheaper than that demanded by the Indian merchants, Mr. Read entered into a contract with him for the supply of the Southern Division, and subsequently extended Skelton's agency to the entire district.[7] But the Board objected to this system of exclusive agency, which, in fact, had gradually led to an increase in the purchase and monopoly price, and directed its discontinuance in June 1810[8]. Mr. Read thereupon adopted

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[1] Board's Consultations No. 40, dated 30th December 1811, paragraph 2.

[2] Board's Consultations Nos. 19–20, dated 6th March 1806—Ravenshaw's Report, paragraph 7; General Report of the Board of Revenue, dated 5th October 1806, paragraph 681 and Board's Consultations No. 40, dated 30th December 1811, paragraph 7.

[3] Board's Consultations No. 40, dated 30th December 1811, paragraph 7.

[4] *Idem*, paragraph 26.

[5] Board's Consultations Nos. 19–20, dated 6th March 1806—Ravenshaw's Report, paragraph 7.

[6] Board's Consultations No. 40, dated 30th December 1811, paragraph 8.

[7] Board's Consultations No. 40, dated 30th December 1811, paragraph 9; Nos. 18–20, dated 3rd September 1810; No. 30, dated 30th July 1810.

[8] Board's Consultations No. 30, dated 30th July 1810.

the simplest as well as the cheapest method; he deputed his assistant into Mysore, whence Mr. Skelton and other merchants had chiefly drawn their supplies, to contract with the immediate cultivators for the quantity required for the monopoly. In 1811, for instance, he concluded contracts with the ryots of Mysore for 810 candies deliverable at the depot in Mangalore at the average price of Rs. 51-8-0 per candy or about Rs. 29 per candy less than what had been paid to Mr. Skelton.[1]

The increasing profit derived from the tobacco monopoly in Kanara and the similarity of the conditions obtaining in that district and Malabar induced the Government in 1806 to order its extension to Malabar.[2] The system introduced in 1807 by Mr. Warden, the Collector, in Malabar differed little from the system then followed in Kanara.[3] The Collector purchased the tobacco required for the monopoly from the merchants and distributed it through his amins to the licensed vendors; he also fixed the monopoly price at which it was to be sold to the vendors and the retail price at which it was to be retailed to the consumers. During the first year of the monopoly, Mr. Warden was obliged to buy all the stock in the hands of the merchants at the current prices; importation from Coimbatore, the district from which the entire supply of Malabar was always obtained, remained free (fasli 1216). But in the second year an illicit traffic having commenced, carried on chiefly under the cloak of the monopoly, Mr. Warden adopted the method, which the Board had authorized in Kanara, of prohibiting the importation except by such merchants as would contract with the Collector.[4] He, at the same time, reduced the purchase price, the price to be paid on delivery at Palghat, to Rs. 60 or pagodas 17-6-30 for the Tenumoogham and Rs. 50 or pagodas 14-12-60 for the Vadamoogham tobacco per candy of 680 lb. This led to a combination among the merchants, to defeat which the Collector entered into an exclusive contract with Mr. Bell, the Commercial Resident at Palghat, who offered supplies at reduced rates.[5] Mr. Bell's agency was continued exclusively for two years and partially for the third year, after which a reversion was made to the contracts with the merchants.[6] It may be observed that during these years the monopoly price was fixed, irrespective of the quality of tobacco at 60 pagodas and the retail price at 64 or 65 pagodas per candy.[7]

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1 Board's Consultations No. 40, dated 30th December 1811, paragraph 15.

2 General Report of the Board of Revenue, dated 5th October 1806, paragraphs 684-686 and Board's Consultations No. 40, dated 30th December 1811, paragraph 24.

3 Board's Consultations Nos. 39-41, dated 17th September 1810—Warden's letter, dated 7th September 1810, paragraphs 2-3.

4 Board's Consultations No. 40, dated 30th December 1811, paragraph 25.

5 Board's Consultations Nos. 19-20, dated 18th June 1810; Nos. 39-41, dated 17th September 1810—Warden's letter, dated 7th September 1810, paragraphs 13-20; No. 40, dated 30th December 1811, paragraph 26.

6 Board's Consultations No. 40, dated 30th December 1811, paragraph 27.

7 *Idem*, paragraph 35.

Meanwhile, the vast difference that existed between the monopoly price and the purchase price put a premium on smuggling and increased the contraband trade. Large quantities of tobacco were smuggled into Kanara from Coorg and Mysore. In Malabar the smugglers moved in gangs of 50 to 100 and committed great depredations in spite of the exertions of the preventive establishments that had been set up to curb their activities[1]. Some other defects of the monopoly were also recognized. It was felt that, under the existing system, the growers of tobacco in Coimbatore had been put to much loss and inconvenience by cultivating more tobacco than was required to meet the demand in Malabar; that they had consequently been obliged to dispose of what remained in their hands to smugglers and thus to encourage contraband trade; that, at the same time, the Collector of Malabar had found it difficult to procure sufficient supplies by contracts with the merchants and had been compelled to pay high prices.[2] To minimise these evils, the Collectors of Malabar and Coimbatore proposed a plan, in accordance with which the Collector of Coimbatore was to supply the monopoly of Malabar. By this plan, which would establish an "export monopoly" in Coimbatore, the sale of tobacco for exportation should be reserved to Government; that is, the supply required to meet the demand in Malabar and Cochin was to be purchased by the Collector direct from the actual cultivators, stored in depots and transmitted, when needed, to Malabar and all exportation was to be prohibited, except by the Collector on account of the Government.[3]

But this was only a partial remedy. It was soon discovered that, so long as the home consumption in Coimbatore remained free, smuggling in Malabar could not be effectually prevented. Mr. Warden, therefore, proposed that the Collector of Coimbatore should be authorized to buy up all tobacco grown in the district, in other words, that the monopoly should be established in Coimbatore.[4] Mr. Garrow, the Collector of Coimbatore, was inclined to agree with him. Coimbatore, he stated, produced annually 8,000 candies of 500 lb. Of this, a great part, which remained after home consumption, was exported to Malabar and Cochin. The internal monopoly in Coimbatore could be established by erecting 6 depots at different places in the district and selling tobacco to licensed retailers and merchants from these depots in the same manner as was done in Malabar.[5] The Board saw no objection

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[1] Board's Consultations Nos 39–41, dated 17th September 1810—Warden's letter, dated 7th September 1810, paragraph 12; No. 32, dated 20th June 1811; No. 52, dated 5th August 1811; Nos. 32–33, dated 24th September 1810—Skelton's letter, dated 10th September 1810; No. 7, dated 15th August 1811; Nos. 4–5, dated 16th January 1815, Appendix No. 1 (Malabar Miscellaneous Volume 2646, page 338).

[2] Board's Consultations Nos. 39–42, dated 22nd March 1810; Nos. 26–27 dated 2nd July 1810.

[3] Board's Consultations Nos. 39–42, dated 22nd March 1810; Nos. 26–27, dated 2nd July 1810; Nos. 13–15, dated 26th July 1810.

[4] Board's Consultations Nos. 20–21, dated 1st November 1810.

[5] Board's Consultations Nos. 26–27, dated 2nd July 1810.

to this plan. It calculated that, after satisfying the demand for home consumption and the export to Malabar and Cochin, only 1,472 candies would remain, and these might be disposed of, partly by an increased supply to Malabar, which would be required to meet the increased demand created by the suppression of illicit traffic, and partly by a supply to Kanara, which could be done by transporting the tobacco to Ponnani and from there transhipping it to Mangalore at a small cost.[1]

All this time, though the monopoly had been established in Malabar and Kanara, though the importation of tobacco into these districts had been prohibited, smuggling could not be punished for want of legal sanction to proceed against the smugglers. The necessity of a Regulation to legalize the monopoly was felt in 1808;[2] the Board corresponded with the Collectors and prepared the draft Regulation early in 1810.[3] But the Government passed the Regulation only in 1811 after getting the advice of the Sadr Adalat and the sanction of the Supreme Government.[4]

By Regulation VII of 1811, the cultivation of tobacco in Kanara and Malabar was prohibited, except under licences issued by the Collectors. No such licence was to be granted for the cultivation of less than 10 maunds of tobacco. Tobacco thus cultivated was to be delivered on account of the Government at a regulated rate. Those who cultivated without the licence were to be fined, on conviction, a sum not less than three times the amount of the value of tobacco so cultivated, the value being determined by the Government monopoly price. All sale, transit, export and import of tobacco were prohibited, excepting on account of the Government, under pain of confiscation and penalties. Persons concerned in the illicit traffic would be fined, on conviction, a sum not exceeding three times the value of the tobacco confiscated, the value being calculated at the monopoly price. Gang-smugglers would be committed for trial before the Court of Circuit and, on conviction, "imprisoned and kept to hard labour for a space not exceeding three years."[5] Collectors might make advances to the ryots for the cultivation of tobacco. Persons buying tobacco at the Government depot and paying the established price for it were to be exempt from the payment of any duty or customs and should be furnished with a rawana certifying the purchase. Persons employed in the sale of tobacco were to be authorized for such sales by the Collector. Magistrates, Officers of Police, Collectors of Revenue

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[1] Board's Consultations Nos. 13–15, dated 26th July 1810.

[2] Board's Consultations No. 38–39, dated 27th June 1808.

[3] Board's Consultations Nos. 38–39, dated 27th June 1808; Nos. 34–35, dated 21st July 1808; Nos. 8–9, dated 11th August 1808; Nos. 14–15, dated 19th September 1808: Nos. 39–42, dated 22nd March 1810; No. 8, dated 26th March 1810; Nos. 2–3, dated 23rd April 1810: No. 2, dated 30th July 1810.

[4] Board's Consultations No. 2, dated 27th August 1810; Nos. 17–18, dated 23rd August 1810; Nos. 12–13, dated 8th August 1811; No. 7, dated 15th August 1811; Nos. 14–15, dated 16th September 1811.

[5] By Regulation V of 1831 the penalties for breach of the tobacco laws were made recoverable by criminal instead of civil process.

and Customs, Commercial Residents, Master Attendants and Beach-Masters, all these were to assist in suppressing smuggling.[1] Regulation VIII of 1811 extended the provisions of Regulation VII to Coimbatore, except for an alteration in one respect; all tobacco cultivated in Coimbatore was to be delivered to the Government "at such fair rates" as might be agreed upon between the Collector and the cultivators with reference to the prices of the former years and other circumstances tending to affect the value of it, "the rates so determined to be subject to the decision of the Board of Revenue."[2]

Mr. Read's system of monopoly thus legalized in Kanara continued, almost unchanged, in its essentials, for a considerable period. A few minor changes were, however, made. For a few years when the monopoly existed in Coimbatore, Kanara was supplied with tobacco partially from that district[3]; but this method, having been found inconvenient, was soon given up[4] and contracts were again made with the wholesale dealers or, as was sometimes the case, tobacco was purchased direct from the cultivators of Mysore.[5] The cultivation in Bekul of about 250 candies of inferior quality tobacco was gradually discontinued. The sales on account of the monopoly ranged from about 12 to 16 hundred candies a year. The monopoly price underwent many changes, the highest rate being 66 pagodas per candy of 560 lb. In 1853, the rate was 50 pagodas per candy. The rate of profit allowed to the vendors was reduced from 10 to 5 pagodas per candy.[6] When, in 1834, on the suppression of the Coorg rebellion, Puttur and Sooliah taluks were transferred from Coorg to Kanara, the monopoly was extended to those taluks also.[7]

The system of contracts for the supply of the monopoly as it existed about 1850 is vividly described, with all its implications, in a report of the Collector, Mr. Maltby.[8] The monopoly, he said, was conducted by receiving tenders on behalf of the Government for the supply of about 400 tons of Mysore tobacco, and contracting generally with the wealthy merchants of Mangalore and Mysore. The large scale upon which the contract was made and the heavy security required prevented any degree of competition. From the time when the contract was completed, the contractor made every endeavour to force upon the Government the worst tobacco he could persuade the servants of the Government to take. The supply on its way from Mysore was plundered at Bantwal and plundered again on the boats between Bantwal and Mangalore.

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1 Papers regarding the tobacco monopoly (Printed Volume), pages 1–4.
2 *Idem*, pages 4–5.
3 Board's Consultations No. 40, dated 30th December 1811: No. 38, dated 2nd January 1812; Nos. 33–34, dated 12th March 1812.
4 Board's Consultations Nos. 39–41, dated 8th June 1812.
5 Board's Consultations Nos. 74–75, dated 9th January 1837; Nos. 83–84, dated 8th January 1838.
6 Board's Consultations No. 56, dated 22nd June 1848, paragraph 4.
7 Board's Consultations Nos. 10–11, dated 13th November 1834.
8 Board's Consultations No. 32, dated 22nd September 1851, paragraphs 2–3.

At Mangalore the assortment was conducted at the great depot. As all that was rejected was loss to the contractor, he made it a point to obtain the favours of the sorters by bribes, or, as an alternative, made complaints after complaints to the Collector with the result that a great deal of the time of the Collector and his Assistants was lost in endless investigation. After the sorting was over, tobacco was sent to the taluks where it was sold to the licensed dealers at the high monopoly price, irrespective of its quality. It was by them retailed to the consumers who, if the tobacco was bad, as was often the case, brought in a "whole crop of complaints."

That the monopoly of Kanara as of Malabar fell into great disfavour with the Board and the Government in the later years need not be stressed here; this will be made clear when dealing with the general question of the expediency of abolishing the monopoly. But it may be noticed here that the monopoly yielded a considerable revenue in Kanara.

Regulations VII and VIII of 1811 hardly strengthened the claims of the monopoly in Malabar and Coimbatore. Judicial officers more than once represented its drawbacks;[1] that the smugglers who had been caught and confined in the jail of Coimbatore "had suffered the most wretched deprivation of health"; that the people of Coimbatore who had formerly shown every desire to support the Government had now become opposed to it; that the monopoly had been suddenly sprung upon them much to their disadvantage, inasmuch as they had been required to deliver tobacco to the Collector "at a fixed rate, and that rate infinitely below the former current price of the district." The monopoly had been wrongly imposed on an article which was almost a necessary of life on the West Coast and which, formerly grown in abundance, used to fetch a good price to the growers.[2]

To these objections, which were indeed the first faint rumblings of a virulent opposition, which was soon to manifest itself, the Board of Revenue in 1815 advanced some valid and some plausible arguments. It remarked that only a few smugglers were under confinement and those deserved the penalty; that, though the retail price might be considered at 100 per cent above the price paid to the growers, the monopoly could not be viewed as oppressive as this price included wastage, carriage and other contingent charges; that the rate of the monopoly duty was not so high in Coimbatore as the former rate of town duties; that it was, in fact, much below the price at which tobacco was sold in Salem where there was no monopoly, and, as such, the consumers could have no cause to grumble; that the monopoly had not been hastily introduced; that, when it was adopted, all tobacco was bought by the

1 Board's Consultations Nos. 11–12, dated 5th April 1810; Nos. 22–23, dated 16th November 1813.

2 Board's Consultations, dated 16th January 1815, paragraph 120 sqq. (Malabar Miscellaneous Volume 2646).

Collector at a fair price, the first two sorts which had a market in Malabar at a price higher than that formerly paid by the contractors, and the third sort at a price equal to the price paid by the contractors.[1]

But the Board felt it necessary to make some observations and suggestions. The growers under the monopoly had to deal with the native officers of the Government, not with merchants in a free market, and though the price paid to them might be adequate, the mode of weighing, sorting and the delay in the payment might possibly be regarded as drawbacks of the monopoly.[2] An increase in the penalties might not suppress smuggling. But a reduction in the monopoly price would not only give relief to the growers and consumers but reduce the temptation to smuggling, and, to that extent, diminish the contraband trade, the bane of the monopoly both in Malabar and Kanara.[3] If, however, the monopoly were to be abolished, revenue from tobacco might be raised in either of the two ways; by an excise duty or by a high transit duty. A transit duty would leave the wholesale as well as the retail sale quite free, and would permit the growers of tobacco to make their own bargains with the wholesale and retail dealers without any interference on the part of the officers of the Government.[4] A high transit duty was already levied in Madras, and a similar duty might be collected in Malabar and Kanara.[5] An excise duty would leave the external and internal trade free, though it might restrict to some extent the retail sale.[6] In England the excise was collected at the rate of about 1 shilling 7 pence per pound or about 100 star pagodas per candy of 500 lb. of tobacco. All tobacco imported was warehoused, and the excise duty paid on the removal of the article, whether for manufacture or for consumption. Licences were issued for its retail sale, and no tobacco was permitted to be grown in any part of England. Such a system of excise duty might also be adopted in Malabar and Kanara.[7] There could, indeed, be no difficulty in establishing the exclusive sale by licences, as a system of licences already existed there. Nor would the licensed vendors experience any difficulty in procuring the tobacco required for the consumption, in the limits within their exclusive privilege, from wholesale dealers.[8] The difficulty would lie in preventing smuggling; but, if the excise duty was not fixed high, if the difference between the wholesale and retail price was reduced, the inducement to smuggling would be diminished.[9] The excise duty would relieve the Collectors of Malabar and Kanara

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[1] Board's Consultations Nos. 28–29, dated 17th February 1814, paragraph 120.
[2] Board's Consultations, dated 16th January 1815 (Malabar Miscellaneous Volume 2646).
[3] *Idem*, paragraph 146 sqq.
[4] *Idem*, paragraph 169 sqq.
[5] *Idem*, paragraph 171 sqq.
[6] *Idem*, paragraph 169.
[7] Board's Consultations, dated 16th January 1815, paragraph 182.
[8] *Idem*, paragraph 182 sqq.
[9] *Idem*, paragraph 191.

of the vast deal of labour involved in the buying, the transporting and the issuing of tobacco to the retailers. It would make the wholesale trade free and the retail sale subject only to a small licence duty. It would do away with all the embezzlements, frauds and misconduct of the native officers, which are incidental to the monopoly.[1] If, however, an exclusive sale by licences was to be adopted, an import duty would have to be imposed both by land and sea, equivalent to the duties levied on other articles to assist the licensed traders in the suppression of smuggling and to provide the Government with an account of the tobacco imported.[2]

About this time (1816), a great public scandal shook the credit of the monopoly in general and led to the immediate abolition of the monopoly in Coimbatore. A special Commission appointed to investigate into certain abuses in Coimbatore revealed the colossal embezzlements of Kasi Chetty, the cash-keeper of the Collector. It was proved that he had, within a year, chiefly by employing his own agents as the sorters of tobacco, amassed 50,000 pagodas; most of the tobacco supplied by the growers at the depots had been "underweighed and underrated" and the growers had been subjected to great deception and injustice. The Commissioners, indeed, doubted whether it was expedient at all to continue the monopoly "if it cannot be continued without serious injury to the inhabitants and without corrupting every servant employed in the monopoly and introducing fraud in every other branch of revenue."[3] But the Government abolished the monopoly of Coimbatore alone, and the Collector of that district was directed to declare that from 1817 no licences would be issued, that the cultivation would be free and the growers quite at liberty to sell the tobacco to any merchants, wholesale or retail. Exportation of tobacco to Malabar was, however, to be prohibited, except on account of the Government.[4]

From 1817 to 1826 the supply of the monopoly of Malabar was derived by the Collector of that district by contracts with the wholesale merchants who delivered tobacco at Ponnani, where it was sorted and valued by the sorters appointed by him.[5] This was, in fact, a reversion to the old system, the system which prevailed before the introduction of the monopoly into Coimbatore. It did not work well. The Collector of Malabar frequently reported the increase in smuggling: tobacco was smuggled by large gangs of Moplahs from Coimbatore to Malabar[6] and by others, it was believed, under the connivance of the French authorities, from

1 Board's Consultations, dated 16th January 1815, paragraph 181.

2 Board's Consultations, dated 16th January 1815, paragraph 190.

3 Revenue Despatch from England, dated 31st October 1821; Board's Consultations Nos. 3–5, dated 29th April 1822; Nos. 47–48, dated 27th June 1822.

4 Board's Consultations Nos. 27–30, dated 6th May 1816; Nos. 32–33, dated 17th June 1816.

5 Board's Consultations Nos. 66–67, dated 30th November 1818.

6 Board's Consultations Nos. 36–37, dated 27th July 1820.

Mahe to Calicut.[1] The monopoly price of tobacco in Malabar was 45 pagodas per candy; the market price of the same quantity in Coimbatore was only 5 to 6 pagodas. This vast difference in the price of an article, which was considered almost a necessary of life in the districts adjoining each other, held out an irresistible temptation to smuggling and the attempt to smuggle often gave rise to plunder of villages and other serious outrages.[2] This was brought to the notice of the Government by the Board which proceeded to remark that the abolition of the monopoly in Coimbatore had, in reality, conferred no benefits on the growers. A very large portion of the tobacco cultivated in Coimbatore was fit only for the Malabar market; the ryots were therefore compelled to sell it to the merchants who supplied the Malabar monopoly at arbitrary prices. "The freedom of trade is therefore only a name."[3] Nor was this all. The growers who stood to lose by contracts with the merchants stood to gain by dealings with the smugglers. The smugglers could afford to pay to the ryots a much better price than that offered by the contractors. The contractors received 14 pagodas per candy of tobacco delivered at the godowns on the coast. The smugglers could afford to pay this price and still realize a large profit by retailing it at less than one half of the monopoly price. The Board came to the conclusion that the most efficacious remedy for the evil was to abolish the monopoly in Malabar and to revert to the system which was followed under the Mysore Government "of raising the revenue by a high transit duty upon all tobacco imported into that Province" and to levy a high town duty of 40 pagodas per candy in some of the important border villages in Coimbatore from which tobacco was generally smuggled into Malabar.[4] It pointed out that the net revenue derived from the monopoly in 1820 was Rs. 1,94,091–9–2. A duty of 1 pagoda per candy, it said, taking the supply at 2,500 candies, would yield a revenue of 2,500 pagodas and the merchants would then be able to retail it at about 20 pagodas per candy or less than one half of the existing monopoly price. This reduction in the selling price would naturally tend to lessen the illicit trade, and increase the fair demand, and with it the revenue.[5]

But the Government were as yet not prepared to abolish the monopoly without consulting the Court of Directors.[6] It was true the Directors had once or twice expressed themselves in terms not at all favourable to the monopoly. But the monopoly was a grand source of revenue which yielded annually from Malabar and Kanara over 4 lakhs of rupees. The Government did not wish and could not afford to forego such a big sum at once. They had before them the two important proposals put forward by the Board as

[1] Board's Consultations Nos 45–46, dated 8th February 1819.

[2] Board's Consultations No. 63, dated 12th March 1821, paragraph 2.

[3] *Idem*, paragraph 3.

[4] Board's Consultations No. 63, dated 12th March 1821, paragraphs 4–5; Nos. 36–37, dated 27th July 1820; and No. 66, dated 23rd October 1820.

[5] Board's Consultations No. 63, dated 12th March 1821, paragraph 5.

[6] Board's Consultations No. 56, dated 9th April 1821.

substitutes for the monopoly, the levying of either the excise or the transit duties.[1] They now asked the Board to prepare drafts of Regulations for the imposition of these duties, so that they might be sent to England for the consideration of the Directors. At the same time, they directed the Board to consider whether, instead of the transit or excise duties, the assessment on the land producing tobacco could be increased. This measure seemed to bring less hardship on the people and also less room for fraud against the State.[2]

This proposal of the Government to increase the assessment on the lands in Coimbatore met with the opposition of the Collector of that district. Mr. Sullivan reported that he had discussed the subject with the most intelligent ryots and merchants as well as public servants and they had all expressed their unanimous opinion that it would be impracticable to raise the revenue lost by the abolition of the monopoly in Malabar solely by an additional assessment on the tobacco-growing lands in Coimbatore.[3] He said: To obtain anything like the revenue yielded by the monopoly, it would be necessary to quadruple the existing assessment, and this would increase the prime cost of tobacco to the growers four-fold. It would be difficult to convince the ryots that any advantage could accrue to them from so exorbitant an increase in their rent or to reconcile them to the measure. The assessment, indeed, though nominally on the land would, in reality, be on the produce. From the fluctuation of the prices of other produce, especially that of cotton, the ryots might often find it more for their advantage to cultivate cotton and pay a low rent than to grow tobacco and pay a high rent. No article of produce was more liable to damage than tobacco; an unseasonable shower of rain might often spoil the whole crop. Under these circumstances, large remissions would be necessary; the revenue, therefore, would be nominally permanent but actually fluctuating annually with the quantity and quality of tobacco raised. If at all the measure was deemed expedient, a large portion, say two-thirds of the revenue, might perhaps be raised by assessing only the land producing tobacco fit for the Malabar market and the rest might be derived by imposing a high duty on tobacco consumed in the towns in Malabar.[4]

Mr. Sullivan favoured the system of excise duty recommended by the Board.[5] He was against the imposition of additional assessment on land in Coimbatore. He was much more against the continuance of the monopoly. In 1824 he urged his "most conclusive argument against the monopoly":[6] Tobacco formed

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1 Pages 271–278 *ante*.

2 Board's Consultations Nos. 5–6, dated 9th April 1821, paragraphs 2–3.

3 Board's Consultations Nos. 79–80, dated 30th July 1821, paragraph 2.

4 Board's Consultations Nos. 79–80, dated 30th July 1821, paragraphs 3–5; Nos. 47–48, dated 27th June 1822, paragraph 6.

5 Board's Consultations Nos. 27–28, dated 24th June 1824, paragraph 8.

6 Board's Consultations Nos. 27–28, dated 24th June 1824, paragraph 2.

one of the chief staples of Coimbatore from time immemorial. When in 1805 the land revenue settlement was made in that district, the money assessments were fixed with reference to the produce of the lands, particularly of the garden lands, which being capable of yielding the most valuable products, of which tobacco was one, were assessed with rents on the average 5 times as high as those of dry lands not sufficiently watered. It was then virtually agreed between the Government and the ryots that, so long as the ryots paid the assessment fixed for a given quantity of land, they were to be at perfect liberty to make the most of their property, to cultivate any article they liked. If, therefore, the Government should think proper afterwards, as they did, to prohibit the growth of tobacco in their lands or to diminish their value, they were pledged to make a corresponding reduction in the public demand.[1] It did not, however, appear that the licence to the growers was ever refused during the existence of the monopoly in Coimbatore. But when the monopoly was abolished there and the trade was declared free (save in Malabar), how did the ryot benefit? Three-fourths at least of the whole quantity of tobacco grown in Coimbatore being exclusively supplied to Malabar, the freedom of trade became nominal, the ryot discovered that he could dispose of his produce only to the contractors, who supplied the Malabar market, at the prices dictated by them. He was consequently driven to sell his produce to the smugglers who offered him a good price. The monopoly therefore was not only vicious but illegal and oppressive. It must go.[2]

The doubts and uneasiness caused by Mr. Sullivan's trenchant arguments against the monopoly were, for a time, dispelled by a plan adopted, as an experiment, by Mr. Sheffield, the new Collector of Malabar.[3] Mr. Sheffield had felt that the first necessity to reduce the temptation to smuggling was to lower the monopoly price; the second was to provide a certain and fair market to the growers of Coimbatore and to ensure them prompt payment.[4] Experience suggested to him that, so long as the contract system with the merchants prevailed, neither of these objects could be secured; that the best way to secure these objects, as also to minimize fraud and embezzlements, was to provide means to supply the Malabar monopoly under the joint responsibility of the Collectors of Malabar and Coimbatore. The Collector of Coimbatore was to make purchases from the ryots in his district on account of the Malabar monopoly at the prices he deemed reasonable subject, of course, to the Board's approval. He was to dispense with the existing establishment kept in Coimbatore to prevent smuggling, as that establishment had become practically useless from the moment the market had been declared free in Coimbatore, and in

[1] Board's Consultations Nos. 27–28, dated 24th June 1824, paragraphs 3–4.

[2] Board's Consultations Nos. 27–28, dated 24th June 1824, paragraphs 5–7.

[3] For the origin of this plan, *see* Board's Consultations Nos. 58–61, dated 13th July 1826; and Nos. 50–53, dated 27th March 1828.

[4] Board's Consultations No. 31, dated 15th May 1828, paragraph 1; Nos. 78–81, dated 22nd March 1827; and Nos. 60–61, dated 11th February 1828.

its place he was to entertain an establishment consisting of 1 sarishtadar, 2 peshkars, 4 sorters and some gumastas and peons, all appointed by the Collector of Malabar. He was to make advances to the growers and under his directions tobacco was to be gathered in several taluks, as near as possible, to the place of its growth, by the sarishtadar and the peshkars. It was to be then sorted by the sorters and the quality not required rejected on the spot and left to the ryots to dispose it of as best as they might, while the quality fit for the Malabar market was to be bought and the ryot given a receipt specifying the quality, quantity and the price payable to him. Three more copies of this receipt were to be made, one to be sent to the taluk cutcherry, another to the Collector of Coimbatore and the third to the Collector of Malabar. On the production of the receipt at the taluk cutcherry, the ryots were to be paid at once. Tobacco so purchased was to be transported, not at the expense of the ryots but at the expense of the State, to the depots and packed and then sent to Malabar. Charges of packing, etc., were to be paid by the Collector of Coimbatore.[1] This plan of Mr. Sheffield subsequently received an important modification to the effect that the sorting should be done in as public a manner as possible and that, if the ryots felt aggrieved, they might be allowed to submit the decision of the sorters to a panchayat of any respectable citizens.[2]

Mr. Sheffield's plan differed from the one previously adopted in Coimbatore to supply the Malabar monopoly, in some important respects. It required no establishments either for preventing, smuggling or for sorting to be kept by the Collector of Coimbatore and in their place substituted an establishment appointed by the Collector of Malabar. It is not clear why such an establishment was recommended to be imported from Malabar to Coimbatore. Perhaps, Mr. Sheffield imagined that his own servants, not being connected with the district in which they were to work, would have less temptation for fraud and better knowledge to pick up the right kind of tobacco required for the Malabar market. This was not the only new feature of his scheme. As has already been alluded to, he transferred the expense and the responsibility involved in transporting the tobacco from the places of its growth to the depots, from the growers to the Government, and provided for the prompt payment to the growers.[3]

While this system for obtaining supplies was to be adopted in Coimbatore, Mr. Sheffield proposed that a system somewhat different, more strict, but more convenient to the people, should be introduced into Malabar. Here the taluk sales were to be supervised by the Tahsildars, who would be supplied on indent with the tobacco required and would be allowed to draw a commission of Rs. 3-3-2 $\frac{10}{25}$ per cent upon the quantity sold, out of which percentage, however, the contingent charges such as carriage, etc.,

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1 Board's Consultations Nos. 78-81, dated 22nd March 1827; and Nos. 60-61, dated 11th February 1828.

2 Pages 283-284.

3 Page 286 *infra*.

should be defrayed. Individuals were to be permitted to buy tobacco *bona fide* for their own use from the Government depot, but not in less quantities than one maund, at the depot price which was to be Rs. $3\frac{3}{4}$ per maund. They were to be likewise supplied with tobacco from the taluk depots for their own use, not less than one maund, provided they paid the depot price plus the Tahsildars' commission, i.e., Rs. 9–0–5 $\frac{10}{25}$ per maund. A certain number of retail vendors were to be appointed for each town and village and a fair and adequate profit allowed them of 12 per cent beyond what they would purchase it for at the taluk depot, so that, inclusive of such commission and inclusive also of the Tahsildars' commission, the utmost price demandable by the retail vendors would be restricted to Rs. 202–4–0 per candy or Rs. 10–1–9 per maund. The utmost vigilance was to be exercised over the retail vendors by the village and taluk officers to prevent them from exacting more than the regulated retail prices, the list of which ought to be prominently fixed in their shops. Reports were to be submitted once a month by the taluk officers to the Collector respecting any exactions on the part of vendors who would be rigorously prosecuted for any breach of Regulation VII of 1811.[1] Shorn of all its details, the distinguishing feature of this scheme, so far as it related to Malabar, was that it substituted in the place of the agency of the amins, who were paid nothing for their trouble, the agency of the Tahsildars who were to be paid a commission on their sales.

The system of monopoly was introduced by Mr. Sheffield partially in 1827 and fully in 1828 on the approval of the Board and the Government.[2] So far as the revenue was concerned, it produced very satisfactory results. Between 12th March 1827 and 11th March 1828 the quantity of tobacco sold was 2,778 candies, i.e., 594 candies in excess of the quantity sold in 1826 during the same period and 619 candies in excess of the average quantity sold in the five preceding years. The gross amount realized by the sales was Rs. 4,86,197 and the net revenue after deducting the charges was Rs. 3,43,100 exceeding the net revenue of the preceding year by Rs. 92,531 and the average net revenue of the five preceding years by Rs. 99,474.[3] In 1829, the revenue showed a still greater increase.[4] And Mr. Sheffield observed that the new system had elicited practically no complaints of exactions of the licensed vendors in Malabar; that it had reduced the price of consumption to the extent of 60 per cent, and thus greatly benefited the people, while the Government had gained an increase in revenue to the extent of 41 per cent, above the average revenue of the five preceding years.[5]

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1 Board's Consultations Nos 78–81, dated 22nd March 1827; No. 31, dated 15th May 1828, paragraphs 4 and 5; and Nos. 35–36, dated 26th March 1829, paragraph 55.

2 Board's Consultations No. 31, dated 15th May 1828, paragraphs 1 and 23; Nos. 18–19, dated 12th June 1828; Nos 43–44, dated 11th June 1829, paragraph 1.

3 Board's Consultations No. 31, dated 15th May 1828, paragraph 1.

4 Board's Consultations Nos. 43–44, dated 11th June 1829.

5 Board's Consultations No. 31, dated 15th May 1828, paragraph 2.

But Mr. Sullivan vigorously assailed this system.[1] He asserted that the increase in the revenue had been effected by artificial means, by the exercise of official authority by the Tahsildars who stood to gain by the increased sales.[2] He observed: The new plan did little justice to the growers of Coimbatore; it gave them no guarantee that all the tobacco that they had grown would be purchased by the Government. It threw on their hands a large quantity rejected by the sorters which they could not, as he had repeatedly stated, dispose of in any market.[3] It introduced a dual system of control by the Collectors of Malabar and Coimbatore which created much friction. It involved the keeping of a large number of establishments one in Coimbatore for providing tobacco, another for sorting it, a third for receiving, warehousing and packing it, a fourth for selling it in Malabar and a fifth for preventing smuggling.[4] If it was absolutely necessary to preserve the tobacco monopoly, he suggested that it might be shifted from Malabar to Coimbatore and there placed on the footing of the salt monopoly in the other districts. The Government were to purchase from the ryots at fixed prices the tobacco required for Malabar at the place of its growth, to sort it in three depots established conveniently for the supply of the Southern, the Central and the Northern divisions of Malabar, and to sell it from the depots in quantities of not less than one maund to all customers. One establishment was to be kept up in Coimbatore, for the provision and custody of tobacco, and a posse of tobacco peons to prevent smuggling was to be employed on the frontier of Malabar and Coimbatore.[5]

The Board did not endorse the remarks of Mr. Sullivan. It stated that some of the arguments used by him against Mr. Sheffield's plan were equally applicable to his own.[6] The essential thing to remember was that under any system sorting was a necessary evil. Mr. Sullivan could not dispense with it, as his plan contemplated that only such of the tobacco should be purchased by the Government as would have a market in Malabar.[7] It considered his plan too theoretical, involving too much risks of loss and wastage to Government and recommended the adoption of Mr. Sheffield's plan which had already been tried and found very successful.[8]

The Government, however, considered that it was absolutely necessary to make some alterations in Mr. Sheffield's plan to avoid collision of authority between the Collectors of Malabar and Coimbatore and to secure to the ryots an immediate and fair price for

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1 Board's Consultations Nos. 50–53, dated 27th March 1828; and No. 31, dated 15th May 1828, paragraph 3.
2 Board's Consultations No. 31, dated 15th May 1828, paragraphs 3–4.
3 Board's Consultations Nos. 35–36, dated 26th March 1829, paragraphs 47–50; and Nos. 49–50, dated 8th June 1829.
4 Board's Consultations Nos. 49–50, dated 8th June 1829, paragraph 55.
5 Board's Consultations Nos. 35–36, dated 26th March 1829, paragraph 56.
6 Board's Consultations Nos. 43–44, dated 11th June 1829.
7 Board's Consultations No. 31, dated 15th May 1828, paragraph 22.
8 Board's Consultations Nos. 43–44, dated 11th June 1829.

their tobacco.[1] They ordered the adoption of a plan, by which the Collector of Malabar must send an estimate of the quantity of tobacco required annually to the Collector of Coimbatore. The Collector of Coimbatore should purchase the quantity direct from the ryots and transmit it to the depots of the Collector of Malabar. The amount of the purchase money and transport should be charged to the monopoly. At the conclusion of the year an account of the monopoly should be made out and the commission which hitherto had gone entirely to the Collector of Malabar should be equally divided between him and the Collector of Coimbatore, the one receiving a moiety for providing and transporting the article and the other for disposing of it.[2]

A view of the practical working of this modified plan is given (1832) in a letter of Mr. Thomas, the new Collector of Coimbatore.[3] Information as to the tobacco grown in each of the four supplying taluks was first obtained from the Tahsildars. When the produce was ready to be cut, persons acquainted with the management of tobacco were sent to each taluk to inspect the standing crops in order to ascertain their quality and quantity and to provide for their being carefully got in and forwarded to the depot in Coimbatore. Here it was carefully housed, the produce of each taluk being deposited separately. No delay was made in sorting. Sorting was conducted in the public part of the depot and was open to the remarks of the agents of Cochin and Travancore Governments, and of the merchants and others; in fact, it was open to all who desired to witness it. Each ryot was given a memorandum stating in what 'taram' his tobacco had been classed, and, if he considered the sorting as unfair, he was allowed to refer, under orders of the Collector, to a panchayat of any respectable and independent parties for a confirmation or otherwise of the classification of the sorters. These circumstances tended greatly to prevent any kind of collision or improper sorting. Tobacco sorted was put into godowns under lock and seal till the time of its despatch to Malabar.[4]

Mr. Thomas reported that the ryots of his district undoubtedly preferred this system to the old contract system. They now got a higher price for the better sorts. They were now no longer in the clutches of the contractors. The contractors in making advances to the ryots used to oblige them to enter into an agreement that, if they did not, at the time appointed, furnish the provided quality and quantity of tobacco, they would be answerable for the losses sustained by the contractors. And in case the ryots failed to observe the terms of their agreement, the contractors used to sue them in the civil court not only for the sum advanced but also for the loss supposed to have been sustained by them. Again when the contractors were few, they used to combine and dictate prices to the

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[1] Board's Consultations Nos. 12–13, dated 10th December 1829, paragraph 2.
[2] Board's Consultations Nos 12–13, dated 10th December 1829.
[3] Board's Consultations Nos. 92–93, dated 2nd January 1832.
[4] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 2.

ryots.[1] Mr. Thomas considered that the existing system was far superior to the system advocated by Mr. Sullivan.[2] The plan of assimilating the tobacco to the salt monopoly, in his opinion, overlooked certain essential differences between the two monopolies. In the case of the salt monopoly the Government at their own will and pleasure could regulate the supply to the demand, while in the case of the tobacco monopoly they had no control whatsoever over the supply. They could not increase the supply as the demand increased and so prevent an enhanced price to the consumers. Moreover, from the comparative cheapness at which salt was sold to the consumer, it held out less temptation to the smugglers to run the risk of detection. Salt was an article which could not be so easily smuggled as tobacco.[3]

Mr. Thomas, however. pointed out that the existing system was nevertheless productive of many evils. It was complicated and expensive; it involved a vast deal of correspondence, occupied a vast deal of time of the Collector, and afforded a wide field for peculation (in Malabar) for the public servants. Above all, it did not remove the temptation to smuggle. It also enhanced considerably the price to the consumer; and the sorting and resorting, packing and re-packing, both in Coimbatore and Malabar, necessarily exposed tobacco, a very perishable article, to great deterioration in its quality.[4] He was of opinion that nearly all these inconveniences and evils could be removed, smuggling could be effectually prevented and the same amount of revenue could be realized, if the tobacco monopoly was modified so that, instead of the Collector of Coimbatore having to purchase and transmit the tobbacco, which the Collector of Malabar was to dispose of at a monopoly price, a high transit duty (Rs. 50) were levied in Coimbatore and an excise duty on its consumption in Malabar. This would leave the people of the two districts free to settle the price amongst themselves, and would save the Government the vast expense attending the management of the monopoly. This would reduce the agency of the public servants to the minimum and would not give them scope to tamper with the interests of the Government and the people. This would necessarily bring the tobacco to the consumer in a much better state of preservation.[5] This would encourage competition among the growers and buyers and would soon lower the existing high price to the consumer and would thus do away with much, if not all, of the temptation to smuggling. If this plan were adopted, a revenue from Rs. 3,50,000 to Rs. 4,00,000 might be easily raised, one half in Coimbatore and one half in Malabar. A transit duty in Coimbatore of Rs. 50 per candy would realize a revenue of Rs. 2,00,000, the produce of the district being upwards of 4,000 candies per annum; and an equal amount

[1] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 3.

[2] *Idem*, paragraphs 1, 6 and 8.

[3] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 7.

[4] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 9.

[5] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 10.

of revenue could be raised by the sale of licences in Malabar, the number of shops and the places where they should be established being determined by the Collector of Malabar with reference to the expected demand in the different villages.[1] Mr. Thomas remarked that, though Mr. Sheffield's plan contemplated tobacco being sold by the retail vendors at the rate of Rs. 202–4–0 per candy, it seldom reached the consumer under Rs. 250 per candy.[2] The contractors formerly delivered tobacco at Ponnani to the Collector of Malabar at the rate of Rs. 42 to Rs. 50 per candy; and if that sum be added to the transit and excise duties, say Rs. 100 per candy, there would be a balance of Rs. 100 per candy in favour of the consumer.[3] It may be noted that no orders were passed by the Board or by the Government on these proposals of Mr. Thomas.

Part II—Monopoly—Its Evils and Abolition (1832–53).

The period that followed was the period marked by vigorous attacks on the monopoly made not so much by the Collectors and the Board but by the Government. To grasp the full significance of the reasons that led to the abolition of the monopoly, it is well to remember that it was the age which witnessed in England the downfall of Toryism and the rise of Whiggism, the age which witnessed the triumph of the ideas of the social and political reformers like Adam Smith, Bentham, James and John Stuart Mills, not to mention a host of lesser luminaries. The doctrines of humanitarianism, of the greatest happiness of the greatest number, allied with the doctrines of laissez-faire, of unlimited freedom of competition, put a stigma on all types of monopolies.[4] All limitations, it was urged, were just so much injury to the public wealth[5]; monopolies, bounties and the like were "the fallacy of those artificial efforts which legislation makes to increase the country's wealth."[6] The true method of estimating the imposts such as monopolies "is not to consider what income they pay, but what they prevent from being paid".[7] As to imposts upon necessaries "what physical privations, what maladies, what deaths they produce no man can tell".[8] "Laissez-faire, in short, should be the general practice; every departure from it, unless required, by some great good is a certain evil."[9] In this age of effervescence, of great legislative activity, not only the Reform Act (1832) was passed, but also other Acts were passed tending to extend the individual liberties; the legislation which extended the

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[1] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraphs 11–12.
[2] *Idem*, paragraph 13.
[3] Board's Consultations Nos. 92–93, dated 2nd January 1832, paragraph 14.
[4] For a short but clear account of the tendencies of the period, *see* Law and Opinion in England by A. V. Dicey.
[5] Political Thought in England: The Utilitarians from Bentham to J. S. Mills by William L. Davidson, H.U. Library, page 84.
[6] *Idem*, pages 85 and 195.
[7] The Theory of Legislation by Bentham, page 140.
[8] *Idem*, page 140.
[9] Political Thought in England: The Utilitarians from Bentham to J. S. Mills, page 197.

contractual freedom by the Combination Act of 1824–25, which abolished the monopoly of the East India Company (1833), which repealed the Corn Laws (1846) and the Navigation Laws (1846–49).

But it is easy to exaggerate the influence of these ideas and activities on Indian administration. That the Indian administrators of those days were profoundly affected by the main currents of public opinion in England there can be little doubt; in their minutes, proceedings and reports we find almost the same ideas, the same sentiments expressed, as were then prevailing in England. But it must be borne in mind that they were essentially practical administrators, not political and economic theorists. They saw the increasing evils of the monopoly and therefore they could not but distrust it, and endeavour, if necessary, to abolish it. The movement in England, in fact, only induced them to investigate more fully and thoroughly the practical evils of the existing system of monopoly; and it was only thus that it went a long way to discredit and finally to put an end to the monopoly.

The first time the Government seriously considered the expediency of relaxing, if not entirely abolishing the monopoly, was in 1832.[1] In that year Stephen Rumbold Lushington, the Governor, recorded a powerful Minute which, indeed, marks a turning tide in the affairs of the monopoly. Lushington was one of the most able of the Company's servants in India. He had served the Company from 1790 to 1807 occupying various important posts of trust and responsibility. He had then retired from the service, returned home, sat in the Parliament for about twenty years (1807–27) and again returned to Madras as Governor (1827).[2] On the eve of his retirement, after five years of service as Governor, he felt it incumbent upon him to record his observations on the tobacco monopoly. He saw that the revenue from the monopoly, ever since its establishment, had shown but a slight increase. It amounted to Rs. 7 lakhs in 1813–14, to 8 lakhs 11 thousand in 1830 and to 6 lakhs 29 thousand in 1831. He observed: "I am strongly of opinion that something should be done to relieve our native population from the operations of a system which is harsh in character and is distinguished by the worst features of the monopoly".[3] To the people of the West Coast tobacco was a "necessity of life". The Government had turned their necessities into a large source of revenue, had, in reality, imposed strict restriction on the growth and importation of tobacco from Coimbatore, and had thereby deserted "one of our avowed maxims of policy that every ryot should be free to make what he pleased of his land and the produce of it after paying the Government dues".[4] The Government had exposed him to the "most vexatious" interference of the public

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1 Board's Consultations Nos. 1–2, dated 8th October 1832 contains Lushington's Minute (Extract) and Government Order.

2 Dictionary of National Biography. The dates given in it are, however, wrong.

3 Board's Consultations Nos. 1–2, dated 8th October 1832—Lushington's Minute dated 25th August 1832, paragraph 18.

4 *Idem*, paragraph 18.

officials, which he could only avoid by a bribe. They had, at the same time, fostered the growth of a canker "a great public evil" —smuggling. "For, the enormously high price has held out such an encouragement to illicit traffic that we have by this policy organized among the hardy inhabitants of the West Coast a resolute and reckless band of smugglers." Smuggling was teaching the people to live "in open defiance of our laws and power"; it was "imbibing in them such an undisguised contempt for our authority that they would prove dangerous partisans in any cause which they might espouse, if unfortunately a convulsion should happen."[1] These strictures on the monopoly, however, did not make him lose sight of the fact that it produced a large revenue which the Company might not be willing to forego. But he believed, he urged, that, if the monopoly were to be continued, its evils could be minimized only by reducing the existing monopoly price by one-half. Such a moderate price would give some relief to the growers and consumers, reduce smuggling and, to that extent, by increasing consumption, would increase the revenue.[2]

Tobacco monopoly, he said, had been compared by some to the salt monopoly. He was, however, of opinion that what was applicable to the latter was not applicable to the former for the following reasons: An increased impost on salt had augmented the revenue in the same ratio, but an increased monopoly price of tobacco would not produce the same result. Tobacco was grown in several parts of the district and the ryot could easily dispose of part of his produce to the smuggler and the smuggler could, with equal ease, through a long line of difficult jungle, transport it from Coimbatore to Malabar. Salt, on the other hand, was manufactured only at particular spots by licensed individuals under the eye of the Government officials; and the transport of salt, except by sea, was highly expensive in proportion to its value. A single bullock-load of tobacco successfully run would fully compensate the risk; but the same could not be said of salt which was more bulky and cheaper than tobacco. Salt, again, could seldom be manufactured clandestinely without the grossest connivance of the officers and the people, whereas tobacco could be openly grown on any soil which admitted of its culture. Finally, the monopoly of salt affected the entire population of British India; and though the tax was high, it came to the consumer's door at a mere trifle. But the monopoly of tobacco was confined only to one or two districts and there the people had to pay an exorbitant price for the article. At any rate, Lushington concluded "that a reasonable relaxation of the tobacco monopoly would produce a beneficial effect in augmenting the comforts and exciting the gratitude of the people and thereby promote the tranquillity of this important Province."[3]

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1 Board's Consultations Nos. 1–2, dated 8th October 1832—Lushington's Minute.

2 *Idem.*

3 Board's Consultations, dated 8th October 1832—Lushington's Minute, pages 1–2.

These remarks of the Governor were sent to the Board with a request "to submit their sentiments on the proposed abolition of the tobacco monopoly".[1] But the Board, for some reason, which cannot be discovered, did not take up the subject for its consideration till it was asked to reconsider it again in 1845.[2] In the interval, however, the subject was not dropped out of sight. Mr. Conolly, the new Collector of Malabar, offered his views on the monopoly. These were unique, in one important respect, that they ran counter to the accepted ideas of the time. It appeared to him that no system answered so well as the existing system of monopoly.[3] He admitted that it pressed on the poorer classes in the wet season; but he was not one who believed that tobacco was an essential necessary of life. It was a luxury "in which a man indulges according to his means" and, therefore, in his opinion "one of the fairest sources of taxation" that could be devised.[4] The best way to reduce smuggling was to reduce the monopoly price. His conviction was that either the existing system was to be upheld (modified, of course, if necessary) or that the monopoly should be abandoned. He could think of no good substitute for the monopoly. He was against the imposition of transit duty, as that would plant the district with tobacco chowkies in addition to the existing sayer chowkies, and would lead to more exactions and more oppressions.[5]

In 1840, two Minutes were recorded, one by Mr. Sullivan, who had now become a Member of the Council, and the other by the Governor, Lord Elphinstone.[6] Mr. Sullivan had an intimate knowledge of the working of the monopoly. It will be recollected that as Collector of Coimbatore he had repeatedly exposed its defects. He now urged that by imposing a monopoly on tobacco, Government had restricted its growth and consumption and thereby hit the land revenue, the mainstay of Indian finance. The consumption of tobacco in Malabar and the production of it in Coimbatore ought, in the ordinary course of things, to have increased with the population of Malabar. But the facts and figures told a different story. Until 1808 trade in tobacco was free except for a small import duty into Malabar. The average quantity imported in the three years preceding 1808, the year when the monopoly was established, was 3,360 candies, the population then being 707,706. The average consumption from 1808 to 1818, the first ten years of the monopoly, was 1,854 candies, though during that period the population had increased to 900,000. The average consumption

[1] Board's Consultations, dated 8th October 1832—Government Order.

[2] *See* pages 292 sqq. *infra.*

[3] Board's Consultations Nos. 52–53, dated 28th November 1839—Conolly's letter, paragraph 3.

[4] Board's Consultations Nos. 52–53, dated 28th November 1839—Conolly's letter, paragraph 4.

[5] Board's Consultations Nos. 52–53, dated 28th November 1839—Conolly's letter, paragraphs 5–7.

[6] Board's Consultations Nos. 4–5, dated 22nd September 1845 contain these Minutes.

for the five years from 1835 to 1839 was 2,800 candies, while the population numbered 11,00,000. This showed that "under a system of monopoly the consumption of what was next to a necessary of life is about a sixth less than it was under a system of free trade, the population having at the same time increased considerably more than a third." As the tobacco produced in Coimbatore was saleable only in Malabar, it followed that the production in Coimbatore, and with it the land revenue, must have declined in the same ratio as the demand. That demand, he held, would have increased under free trade. "Nothing therefore can be plainer than that the revenue derived from the tobacco monopoly in Malabar is levied at the expense of the land revenue of Coimbatore". The price, when the trade was free, was Rs. 60 per candy; the monopoly price was Rs. 200. This at once accounted for the diminished consumption.

Nor were these the only evils The people of Malabar had been compelled to pay the high monopoly price for a worse quality of tobacco than what they got when the trade was free. Growers in Coimbatore, at the same time, having been compelled to dispose of the tobacco rejected by the sorters, had no option left but to encourage smuggling. Sullivan admitted that, though tobacco was almost a necessary of life, it was a fair article of taxation; it was a Government monopoly in France, Spain and Austria. But in India the Government "do already tax highly the land which produces it". By taxing the produce also enormously they "actually pick their own pockets." He urged that the Supreme Government might be approached to repeal the tobacco monopoly, "not merely because it was oppressive to the people in the highest degree and because it is a direct incentive to crime, but because it is a financial deception and blunder".[1] The Governor endorsed the opinions of Mr. Sullivan and suggested that the tobacco monopoly might be abolished and, in its place, a transit duty and an excise duty, equal to five-eighths of the profit derived from the monopoly, might be levied. "This would reduce by three-eighths the tax imposed on this great luxury, if not indeed, a necessary of life to the lower orders, in that humid climate."[2]

In view of this discussion and the orders of the Court of Directors,[3] Government in 1845 reviewed the whole subject of the monopoly.[4] The Directors, they said, had approved the language of the Collector of Kanara who had characterized the monopoly as "odious to the people" and "highly oppressive and most injurious."[5] The Collector of Malabar had referred to it "as a system by which lawless and desperate habits are engendered and

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[1] Board's Consultations Nos. 4-5, dated 22nd September 1845—*see* Sullivan's Minute, dated 29th July 1840.

[2] *Idem*—*see* the President's Minute, dated 15th October 1840.

[3] Revenue Despatches from England, dated 29th January 1845, paragraph 11.

[4] Board's Consultations Nos. 4-5, dated 22nd September 1845—Government Order.

[5] *Idem*, paragraph 3.

fostered in the minds of large bodies of people."[1] The Diwans of both Travancore and Cochin had frequently represented the increase of smuggling and gang-robbery.[2] The Board of Revenue had described the monopoly as "oppressive."[3] Considering the wet climate of the West Coast, considering that the ryots tilled the fields there "standing for hours, month after month in wet soil and exposed in consequence to fever and disease for which tobacco was the sole effectual prevention," considering also that the monopoly pressed more heavily upon the poorer and the lower classes than upon the richer and the higher classes, the Government could not but view it with disfavour.[4] Moreover, the monopoly, as had been repeatedly pointed out, held out great temptation to smuggling and thereby demoralized the lower classes of society and the public servants.[5] It was also open, purely in its financial character, to the strongest objection. The net revenue collected in Malabar and Kanara, on an average of ten years from 1833 to 1843 was Rs. 5,69,525; the gross collections Rs. 8 02,158. A tax which brought to the treasury little more than two-thirds of the revenue collected from the people "is indefensible." It is also injurious to the revenue derived from other sources, and must interfere with the outlay of capital on the land both in Kanara and Coimbatore, by the prohibition which now exists against the cultivation of tobacco in those districts."[6] The Government stated that they were only restrained from proposing the immediate abolition of the monopoly by their desire not to embarrass the State by a further reduction in its resources which had already suffered much on account of the abolition of the inland customs. And, therefore, before referring the matter to the decision of the Government of India and the Court of Directors for their orders, they desired the Collectors of Malabar and Kanara to report fully through the Board on the practicability of modifying the monopoly in such a manner as would secure a considerable revenue to the State and would, at the same time, "divest the tax of some of its most injurious attributes," its heavy charge of collection and its inducement to smuggling.[7] If, however, a modification was not possible, some substitutes to the monopoly might be suggested. A well-regulated moturpha and a veesabuddy[8] tax might be considered.

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1 Board's Consultations Nos. 4–5, dated 22nd September 1845—Government Order, paragraph 4.

2 *Idem*, paragraph 5.

3 *Idem*, paragraph 7.

4 *Idem*, paragraph 8.

5 *Idem*, paragraphs 9–10.

6 *Idem*, paragraph 11.

7 *Idem*, paragraph 12.

8 *Moturpha.*—A tax or taxes levied on trades and professions, on the artificers of a village or their implements, as upon the weaver's loom, upon tradesmen and their shops and stalls and sometimes upon houses. *Veesabuddy.*—A tax on the profits of trade levied in periodically settled proportions upon the merchants, traders, shop-keepers, retail dealers, mercantile agents and all the inhabitants of a village or town engaged in trade.

Both these taxes yielded a good revenue in Bellary and Cuddapah districts, and the Government could see no reason why they should not be equally successful in Malabar and Kanara.[1]

Mr. Blair, the Collector of Kanara, reported that he could think of no modification of the monopoly that could do away with its evils and still leave the Government a considerable revenue.[2] He represented that the haulut[3] and special duties had in no way benefited the merchants in Kanara as those duties on the articles exported, though levied by the merchants in the first instance, were actually recovered subsequently by them from the foreign consumers.[4] A strong opposition would be raised against the imposition of the novel impost of veesabuddy, though he could not see any reason why such a moderate tax could not be levied on the profits of merchants in the rice and cotton trade.[5] He was sure, however, that the moturpha tax could not be extended further without taxing the dwellings of the ryots standing on their separate estates.[6] "With respect to the feasibility of introducing a system of licences for the sale of tobacco as a substitute for the monopoly, I would observe that, if by the word licences the retail of the articles is intended, such a measure would be attended with the greatest difficulty, if not to be found utterly impracticable, without such a degree of inqui-itorial interference with all petty dealers in order to prevent unlicensed sale of the article as would render the system quite objectionable as the present monopoly."[7] The only plan by which a system of licences could be introduced without serious objection would be by renting the privilege of selling tobacco talukwar, something in the same manner as the abkari. This would require the necessity of licences for the retail of tobacco, but such licences could be issued, regulated and supervised by the renter. Such a system would eliminate the keeping up of a large establishment to prevent illegal sales; and in case it was introduced, the maximum sale price of the tobacco would have to be fixed by the Government, leaving it to the discretion of the renter to lower the price, the people being at liberty to purchase the tobacco from any licensed dealer. Such a system would create a competition among the renters of the neighbouring taluks and they would be induced to look for their profits more to increased sales than to high prices.[8] Another mode would be to levy an excise duty on the tobacco grown in the district. Kanara, especially its portion acquired

1 Board's Consultations Nos. 4–5, dated 22nd September 1845—Government Order, paragraphs 13–15.

2 Board's Consultations Nos. 39–41, dated 2nd February 1846—Mr. Blair's Report, paragraph 2.

3 A particularly high duty on pepper, betel-nut, cardamoms, cassia, etc.

4 Board's Consultations Nos. 39–41, dated 2nd February 1846—Mr. Blair's Report, paragraph 4.

5 *Idem*, paragraphs 5–11.

6 *Idem*, paragraphs 12–13.

7 *Idem*, paragraph 15.

8 *Idem*, paragraph 16.

from Coorg, was capable of growing good quality tobacco and might bring in a considerable excise revenue.[1] These views of Mr. Blair did not coincide with the views of Mr. Blane, his successor. He suggested the expediency of raising the rate of export duty on rice and a small addition to the land revenue assessment as the only means likely to make up in part the deficit occasioned by the abolition of the tobacco monopoly.[2]

Mr. Conolly, in his report on the Malabar monopoly, suggested that the plan propounded in 1821 by Mr. Graeme, the Commissioner appointed to report on the revenues of Malabar, might be partially adopted in lieu of the monopoly.[3] Mr. Graeme had proposed that the maximum revenue derived from the impost on tobacco should be first determined. Sixty per cent of this was to be levied as an excise duty on the crops in Coimbatore at the time of their ripening, leaving the growers to sell tobacco as best they might to private merchants afterwards. Sixteen per cent was to be raised by a frontier duty on tobacco when brought by the private trader into Malabar, and the remaining 24 per cent was to be raised by a tax on such dealers as might be licensed to buy and retail it in the district.[4] Conolly preferred Graeme's plan to others. The excise to be levied in Coimbatore was on the value of the actual crops, not on the land; it would still enable the grower to realize a fair profit. But, as to the remaining 40 per cent, he could not see how it could be realized; smuggling would still continue, and therefore he recommended that this 40 per cent might be foregone.[5] He objected to the licensing system, as it would necessitate the severity of the police. Again, how were the consumers, especially the poor, to be defended from the licensed vendors? A combination of five or six of these vendors, armed with the support of the Government, might raise the price of tobacco within a given circle to a most oppressive degree.[6] As to the veesabuddy tax, he believed that it was unsuitable for Malabar. The export trade of Malabar chiefly consisted of agricultural staples, "there being no manufacture." Six-tenths of this trade was in the hands of foreign merchants who had their headquarters in Bombay. The agents or gumastas of these merchants carried on the trade in Malabar in hired warehouses. Any tax on their trade might make them transfer their operations from Malabar to Cochin and Travancore. There were also the agents of some European firms who had their headquarters in England, Bombay and Madras. And, lastly, there were the Arabs who, without having any warehouse or residence on shore, anchored their vessels in the port,

1 Board's Consultations, Nos. 39-41, dated 2nd February 1846—Mr. Blair's Report, paragraphs 18-20.

2 Board's Consultations Nos. 63-64, dated 4th March 1847—Mr. Blane's Report.

3 Board's Consultations Nos. 39-41, dated 2nd February 1846—Mr. Conolly's Report.

4 Mr. Graeme's Report (Printed copy)—paragraphs 1321-31: Board's Consultations Nos. 39-41, dated 2nd February 1846—Mr. Conolly's Report, paragraph 5.

5 Board's Consultations Nos. 39-41, dated 2nd February 1846—Mr. Conolly's Report, paragraph 7.

6 *Idem*, paragraph 13.

purchased pepper and timber, etc., and sailed back to Arabia. There would, therefore, be great difficulties in collecting veesabuddy from these three classes of merchants. "The only parties fairly within our grasp are the resident native merchants whose operations do not embrace more than about two-tenths of the Malabar trade, and they do already pay a considerable veesabuddy in the form of a tax on their warehouses and shops."[1] The moturpha already existed in Malabar and any further extension of it was not possible without raising the greatest opposition from the people.[2]

Mr. Wroughton, the new Collector of Coimbatore, it is interesting to note, submitted a representation he had received from the people, in which they said that, if the monopoly was abolished, instead of an increase in the cultivation, there would be a decrease.[3] Under the existing system, he remarked, there was a certainty of demand for the produce. The ryot received advances from the Government for growing tobacco. These advances were made at a time when he stood in great need of them for paying the assessment and they saved him from the necessity of having recourse to usurious loans. His crops were guarded by the Government officials, packed free of charge and conveyed to the depot at Coimbatore where every leaf (fit for the Malabar market) was purchased for a fair price. His accounts were instantly settled and he promptly received the difference between the purchase price and the advance. The sorting was made " with strict impartiality ", as the public servants had no direct interest in undervaluing the article; if the ryot felt aggrieved, he was at liberty to cause his tobacco to be sorted by a panchayat.[4] The Collector held that with the discontinuance of the monopoly all these advantages would be removed. There would then be no certainty of demand, and the ryot would either have to keep the article until he could meet a purchaser from Malabar or sell it to rich merchants at the prices dictated by them. Nor would there be then the same promptitude in the adjustment of his accounts and, instead of a panchayat, actions by civil process would be introduced to the loss both of time and money to the litigants.[5]

While these reports were being considered by the Board, the Government sent it an extract from the latest Despatch of the Court of Directors which, indeed, hastened the end of the monopoly.[6] For, the Directors observed: " Whether or not it be found practicable to find some equivalent source of revenue, we are resolved that a tax, which in its present state presses with such unequal weight on the inhabitants of those Provinces to whom tobacco is

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1 Board's Consultations Nos. 39-41, dated 22nd February 1846—Mr. Conolly's Report, paragraph 13.

2 *Idem*, paragraph 15.

3 Board's Consultations Nos. 48-49, dated 5th March 1846—Mr. Wroughton's Report.

4 *Idem*, paragraph 6.

5 *Idem*, paragraph 7.

6 Revenue Despatches from England, Volume 27; Despatch No. 29, dated 31st December 1847; Board's Consultations No. 56, dated 22nd June 1848, paragraph 45.

almost a necessary of life, and which leads to the demoralization of the people engaged in the contraband trade and of the public servants who connive at it, shall no longer be suffered to remain as a part of our fiscal system, unless it can be placed on an unquestionable footing."[1]

The Board of Revenue surveyed the whole history of the monopoly in a masterly manner and dealt in detail with all the plans put forward as substitutes for the monopoly. It referred to the increase in smuggling which had raised its head soon after the introduction of the monopoly (1807),[2] to the criticisms levelled against the monopoly by the Judicial officers (1813),[3] and to the abuses forcibly described by the Commissioners in 1816.[4] It said that the changes adopted since 1816 had utterly failed to repress smuggling. Government had pointed this out to the Directors in 1818 and the Directors had replied in 1820 that "unless the price (monopoly price) is so far reduced that the produce of the monopoly would be inconsiderable and would not be worth obtaining at the cost of all the expense and trouble and vexation, which it produces, the evils of smuggling will remain. We therefore incline to the opinion that it would be well to abolish this tax."[5] Commissioner Graeme in his report of 1822 had pointed out that the checks to the retail price imposed on the licensed vendors had become altogether nugatory; that the consumption of legally imported tobacco in Malabar had been 42 per cent more before the introduction of the monopoly than since that period; and that the tax pressed with the utmost severity on the lowest and the poorest class of the population."[6] "From that period up to the present", the Board remarked, "the pernicious operation of the tax has continued". The correspondence with the Collectors showed the Board that in a country where, from the climate and feelings of the people, tobacco was almost a necessary of life, the great enhanced price caused by the monopoly was by itself becoming a heavy grievance; that the attempt to evade the impost by smuggling was tending to demoralize the mass of the population and to corrupt the public servants who were notoriously conniving at contraband traffic; that the endeavours made to repress smuggling were leading to vexatious domiciliary visitations and their attendant exactions, and not infrequently to violent and bloody collision between the smugglers and the preventive force; and finally, that the effects of the system "are in the highest degree injurious to the peace and good order not only of our own provinces but of the territories of the adjoining Native States, and add greatly to the labours of both magisterial and judicial authorities in the western districts".[7]

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1 Board's Consultations No. 56, dated 22nd June 1848, paragraph 45.

2 *Idem*, paragraph 6.

3 *Idem*, paragraph 6; also page 277 *ante*.

4 Page 279 *ante*.

5 Revenue Despatches from England, Volume 8—Despatch, dated 12th December 1821; Board's Consultations No. 56, dated 22nd June 1848.

6 Board's Consultations No. 56, dated 22nd June 1848, paragraph 6; also Graeme's Report, paragraphs 1321–31.

7 Board's Consultations No. 56, dated 22nd June 1848, paragraph 6.

Having thus forcibly delineated the lineaments of all the major evils of the monopoly, the Board proceeded to consider the reports of the Collectors submitted in accordance with the instructions of 1845. It did not agree with the opinion held by Mr. Wroughton, the Collector of Coimbatore, that the monopoly secured to the growers many facilities which they would not enjoy under a free trade.[1] It believed that the abolition of the monopoly would take away all restraints on cultivation, would, in fact, increase it, and provide a free market for the produce.[2] The impulse likely to be given to the cultivation in Coimbatore by the abolition of the monopoly might be estimated by remembering that, since the introduction of the monopoly in Malabar, though the population had increased more than one half, the consumption of tobacco was only one-ninth more than what it was 40 years ago.[3] And, even if it could be shown that the monopoly brought several advantages to the ryots of Coimbatore, it could scarcely be contended that these advantages should be continued at the expense of "the heavy evils" caused to the consumers in Malabar.[4]

The Board pointed out that both the Collectors of Kanara and Malabar had frankly admitted that they were unable to suggest any means by which the monopoly might be modified so as to free it from its evils. Mr. Conolly had recommended the adoption of Mr. Graeme's scheme.[5] To the Board, however, the scheme did not at all seem satisfactory. The imposition of an excise on the crop would be a departure from the principles on which the existing survey assessments had been introduced. The rates of the tirwa fixed were determined with reference to the supposed productive powers of the several classes of lands and to their returns under the different description of cultivation carried on in them, tobacco being one of the most important products. Under that system, it was implied, if not strictly guaranteed, that the ryot should be at liberty to raise any species of produce in his lands, free from all interference and restrictions so long as he paid the fixed assessment.[6] Mr. Sullivan had more than once represented this fact.[7] It might perhaps be argued that the tax was to fall on the crop and not on the land, but this was rather a nominal than a real distinction which the ryot, at any rate, was not likely to appreciate.[8] The mode in which the excise duty was to be secured also appeared to the Board liable to objection. Mr. Graeme had proposed that, when the crop was far advanced, the number of candies it would produce was to be estimated and registered; and this quantity was to be held responsible for the duty till good monied security had

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1 Board's Consultations No. 56, dated 22nd June 1848, paragraph 9; *see* also page 296 of this note.

2 Board's Consultations No. 56, dated 22nd June 1848, paragraph 10.

3 *Idem*, paragraph 11.

4 *Idem*, paragraph 10.

5 *See* pages 295–296 *ante*; Board's Consultations No. 56, dated 22nd June 1848, paragraphs 13–14.

6 Board's Consultations No. 56, dated 22nd June 1848, paragraphs 15–17.

7 *Idem*, paragraph 17; also pages 281–282 *ante*.

8 *Idem*, paragraph 17.

been obtained for its payment. This security once obtained, the actual levy of it, he had remarked, need not be enforced till the time when the grower might be supposed to have disposed of his crop to the Malabar merchants. The Board felt that the result of this system would be simply to leave the estimate of each man's crop, the competency of the security tendered and the time at which the levy of the duty was to be enforced, mostly to the discretion of the village and taluk officers.[1] That would subject the cultivators to great annoyance. That would generally tend to confine the cultivation to the wealthier classes only ; and even these classes would be placed in the hands of merchants from whom they had borrowed to pay the duty.[1] The Board agreed with Mr. Conolly that the remaining parts of Mr. Graeme's plan were not practicable.[2]

Various substitutes, the Board remarked, had been proposed to the tobacco monopoly. Of these, the chief were (1) the introduction of the veesabuddy into Kanara and Malabar, (2) the extension of the moturpha, more particularly the house tax, (3) the increase of the land assessment, (4) the licensing system and (5) the imposition of an excise duty on the tobacco grown in Malabar and Kanara.

It is needless for our purpose to follow the reasonings of the Board on the veesabuddy and the moturpha. In short, it agreed with the Collectors of Kanara and Malabar that these taxes could not be introduced into those districts without dislocating trade and creating great opposition.[3] On the third point, the increase in the assessment on land, the Court of Directors had observed in 1821 : "If Malabar, after remission of the tax, is known to bear in proportion of the public burdens less than any other Province, we have no doubt that the least objectionable mode would be, due regard being had to the nature of the landed rights in that district, to follow the general rule of India and take what is necessary from the land."[4] The Board stated that the Collector of Malabar had reported that the Government had virtually pledged themselves not to reimpose the land tax on pepper vines ; and the Directors themselves had subsequently tended to the belief that "the assessment of rice fields in Malabar is sufficiently heavy."[5] Mr. Blane, the Collector of Kanara, had suggested that, if it was absolutely necessary, an addition might be made of a uniform percentage, of rents of the estates in his district : but to this measure he had anticipated great opposition.[6] Therefore the increase of the assessment on land in Malabar and Kanara seemed to the Board not only inexpedient but questionable.

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1 Board's Consultations No. 56, dated 22nd June 1848, paragraph 18.

2 *Idem*, paragraph 16.

3 *Idem*, paragraphs 27–33.

4 Revenue Despatches from England, Volume 8—Despatch, dated 12th December 1821, paragraph 93.

5 Board's Consultations No. 56, dated 22nd June 1848, paragraph 36.

6 *Idem*, paragraph 37 ; also page 294 *ante*.

As to the fourth method, the system of licences for the sale of tobacco, the scheme proposed by the Collector of Kanara, appeared to the Board quite objectionable.[1] It observed that to secure the renter and his agents or sub-renters the privilege of exclusive sale, it would be necessary not only to affix penalties to the retail sale of tobacco without a licence but to guard against the importation of tobacco into the district, except under consignments to the licensed dealers, and to authorize search in all shops and private houses in which tobacco might be supposed to have been concealed. If the cultivation of tobacco in Kanara and Malabar were permitted, it would further be necessary to maintain some degree of supervision over the ryots' crop while on the ground and afterwards while in store. This would cause much annoyance to the cultivators.[2] And, as the Collector of Malabar had remarked, the farming system might, under a combination of renters, lead to a rise in the price of the article to the consumer, especially to the poorer classes, "to a most oppressive degree."[3] Again, it would be difficult to confine the sale of tobacco to the renters alone, if it was allowed to be grown freely in every garden in Malabar and Kanara.[4] In England, where the cultivation of tobacco was prohibited, and still more in Ireland, much of the tobacco consumed evaded the customs and the excise.[5] The Board wished to remark in this connexion that the exclusive sale of fermented and spirituous liquors under the abkari system could not be regarded as an analogous case. The persons by whom toddy could be drawn were comparatively few over whom the renter could exercise some control, and the establishment of a still for the manufacture of arrack required some small capital for the purchase of jaggery, bark, etc. Neither an arrack nor a toddy shop could be supported, except in a town or large village, and in those places the existence of an illicit establishment could be easily detected. All this was obviously not the case with tobacco. The Board confessed that "the difficulty of restricting the sale of articles of such general production (like tobacco) and consumption to any number of licensed dealers" appeared to it "to be fatal to such a scheme."[6] Even supposing the cultivation of tobacco in Malabar and Kanara were prohibited, the importation of smuggled tobacco from Mysore and Coimbatore would continue and produce all the evils of contraband trade. That could be checked only by an appreciable reduction in the retail price of the article on the part of the licensed vendor which would in turn cut down the revenue derived from the licensing system to a sum scarcely worthy of collection.[7]

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1 Page 294 *ante*.

2 Board's Consultations No. 56, dated 22nd June 1848, paragraphs 38-39.

3 *Idem*, paragraph 39; also pages 295-296 *ante*.

4 *Idem*, paragraph 40.

5 *Idem*, paragraph 40.

6 *Idem*, paragraph 40.

7 *Idem*, paragraph 41.

The Board finally considered the feasibility of imposing an excise duty on tobacco grown in Malabar and Kanara. Much of what it had observed in connexion with Mr. Graeme's plan appeared to it applicable to this measure.[1] "If it could not contribute such a degree of interference with the freedom of cultivation in those provinces as would be incompatible with the due rights of the landholders, the arrangement required for inspecting and valuing the crops would at least be productive of annoyance and vexation."[2] And what was applicable to the licensing system would be equally applicable to the excise. An excise to be productive would have to be high. It would thus raise the price of home-grown tobacco beyond the price at which the illicit dealer could sell, and therefore, in effect, would continue contraband trade with all its concomitant evils.[3]

This succinct and exhaustive survey of all the systems, all the implications involved in each system, was concluded by the Board with these words: "It is with much reluctance that they are induced to advise the surrender without an equivalent of so considerable a source of revenue as the monopoly, and they must be understood as doing so only because, after much anxious reflection on the subject, they have been led to the conclusion that between such surrender and the retention of the present system with all its evils there is no practicable middle course."[4]

Thus was the monopoly deemed to disappear. Sir Henry Pottinger, the Governor, in a brief Minute, dated 17th October 1851, expressed his opinion "that the monopoly should be totally abolished and some other measures as compensation for the loss of revenue devised."[5] Mr. Elliot, a Member of Council, recorded his opinion "that the monopoly of tobacco within Malabar and Kanara must be given up." He recommended that the plan advocated by Mr. Sullivan of shifting the monopoly from Malabar to Coimbatore and there virtually approximating it to an excise duty might be tried.[6] Government might buy all tobacco fit for the Malabar market and issue it at an enhanced price to merchants for export to Malabar without further restrictions. "This plan would do away with the expensive complicated machinery for working the monopoly which the present system of vending requires; the Government would get rid of the retail shop altogether and deal only by wholesale, leaving the carriage and distribution and supply of petty vendors to the large traders under their own arrangements and at their own risk."[7] Similar advantages would result, he

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1 Pages 298–299 *ante*.

2 Board's Consultations No. 56, dated 22nd June [illegible], paragraph 42.

3 *Idem*, paragraph 43.

4 *Idem*, paragraph 45.

5 Revenue Consultations, dated 18th May 1852—President's Minute, dated 17th October 1851.

6 *Idem*, Mr. Elliot's Minute, paragraph 8, sqq.; also see pages 300–301 *ante*.

7 Revenue Consultations, dated 18th May 1852—Mr. Elliot's Minute, dated 20th November 1851.

said, if Mr. Maltby's plan (recently proposed) was adopted in Kanara. Mr. Maltby had proposed that the wholesale trade should be thrown open to merchants on payment of a fixed excise duty of Rs. 75 or 50 per candy. The retail sale should be left to the licensed vendors subject to a small licence fee of one rupee. Any merchant wishing to import tobacco from Mysore should apply to the Collector specifying the place of purchase and the place where he intended to sell. He should be required to enter into a bond for the payment of the duty. He was to sell tobacco to none but the licensed vendors. The Collectors should make arrangements for collecting the excise in Mysore itself, as soon as the merchant had made the purchase, with the co-operation of the Mysore Government.[1] Mr. Elliot recommended this plan for Kanara with one omission, that the licensed fee of one rupee need not be collected from the vendors.[2]

Mr. Thomas, who, it will be remembered, had already had some experience of the monopoly in Coimbatore,[3] wrote a strong Minute advocating the immediate abolition of the monopoly.[4] He remarked that the monopoly greatly affected the poorer classes both in Malabar and Kanara; it pressed hard on them; it virtually deprived them of a necessary of life. Tobacco was, therefore, in his opinion, not a legitimate article for special taxation. The monopoly was, moreover, maintained at an exorbitant expense. The total gross collection in the three years, for example, 1847, 1848–49 and 1849–50 was Rs. 31,85,259; the total charges for the same period amounted to Rs. 12,82,314. Thus a revenue of 19 lakhs of rupees had been collected at an expense of 13 lakhs. It was well known that the monopoly could not be maintained without an armed guard, who were often compelled to engage in violent contests with the smugglers. It was a fact beyond dispute that, in spite of every measure adopted against it, smuggling was increasing and becoming an everyday occurrence. This was creating lawlessness, crime and demoralization of a great mass of the population. Monopoly was, further, forcing inferior quality tobacco on the consumers, corrupting the public officers and burdening the files of the courts.[5] He could conceive of no remedy for the evil. He would unhesitatingly reject Mr. Sullivan's and Mr. Maltby's plans upheld by Mr. Elliot, for the reason that they could not prevent smuggling, could not put an end to illicit traffic, could not remove the need for maintaining a large and costly establishment of armed men, could not eliminate corruption among the public servants and could not but introduce vexatious interference in the concerns of every petty ryot, while the revenue that could be raised under

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1 Board's Consultations No. 32, dated 22nd September 1851—Mr. Maltby's Report, paragraphs 15–29.

2 Revenue Consultations, dated 18th May 1852—Mr. Elliot's Minute.

3 Page 301 *ante*.

4 Revenue Consultations, dated 18th May 1852—Hon'ble Mr. Thomas's Minute, dated 12th December 1851.

5 *Idem*, paragraphs 1–13.

them promised to be only "an unimportant sum."[1] As for other substitutes to the monopoly, he thought that the moturpha and veesabuddy might be increased in Malabar and Kanara, or an assessment might be levied on the crops but not on the land in Coimbatore.[2] This discussion of the two Councillors was wound up by the Governor in a Minute, dated 30th April 1852, in which he agreed with Mr. Thomas and reiterated his opinion that the monopoly must be abolished. He remarked that the other sources of revenue suggested as substitutes might be separately discussed afterwards.[3]

And now we come to the last stage of the monopoly. We have already noticed the various reasons that impelled the Government since 1832 to consider again and again the expediency of abolishing the monopoly; the trenchant, clear-cut remarks of the Governor, Lushington[4] (1832), the equally pointed but more authoritative arguments of Mr. Sullivan [5](1840), the short but damaging resolution of the Court of Directors[6] (1847), and the clear, critical and exhaustive review of the whole question by the Government in 1845 and the Board in 1848.[7] In May 1852, the Government once more surveyed the subject and indicated the principal reasons which induced them to order the abolition of the monopoly.[8] They were: (1) That the monopoly almost from its beginning in Kanara and Malabar had been denounced by "all the ablest and the most enlightened officers", revenue as well as judicial, as a system "fraught with the greatest evils." (2) That it was causing great hardship and pressing hard on the poorer classes by a large enhancement in the price of tobacco which was regarded as a necessary of life in the damp and wet climate of the West Coast. (3) That the very method by which it was being supplied was objectionable and open to great abuses. In Coimbatore it was subjecting the growers to interference and annoyance; and there as well as in Malabar and Kanara the sorting and resorting was leading to intrigue and deceit and demoralization of the public servants. (4) That because of the frauds practised by the sorters in Coimbatore, the vendors in Kanara and Malabar and the contractors in Mysore, the monopoly was forcing on the consumers "bad, adulterated and damaged tobacco" instead of the pure and wholesome article which would be supplied under the "natural influence of free trade." (5) That by prohibiting the cultivation of tobacco in Malabar and Kanara, especially in Kanara, where good tobacco might be largely raised, the monopoly was inflicting severe injury

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1 Revenue Consultations, dated 18th May 1852—Hon'ble Mr. Thomas's Minute, paragraph 18.

2 *Idem*, paragraph 19-39.

3 Revenue Consultations, dated 18th May 1852—President's Minute, dated 30th April 1852.

4 Page 289 *ante*.

5 Page 291 *ante*.

6 Page 296 *ante*.

7 Page 292, sqq *ante*.

8 Revenue Consultations, dated 18th May 1852—Government Order.

on the resources of those districts. (6) That the search for illicit tobacco concealed or supposed to be concealed was resulting in vexatious domiciliary visits and oppressions and exactions. (7) That the immense profit derived from the monopoly was producing and perpetuating an extensive contraband trade. "The result is to keep on foot large bodies of armed and trained men, habitual violators of law and disturbers of the public peace, and to produce either bloody collision or corrupt connivance between these bands and the preventive establishment." This was spreading the spirit of lawlessness and violence which, in the hands of "designing men" could be effectually turned against the State "as evinced by the fact that many of the actors in the horrible Moplah outbreaks,[1] which have of late years been so manifestly common, are tobacco smugglers." (8) That the monopoly itself was being undermined by large quantities of illicit tobacco clandestinely introduced from the French Settlement of Mahe in Malabar and by the intrigues of the contractors for providing tobacco from Mysore who, of late years, had been actually threatening to cut off all supplies. That this was leading to a steady decrease in the revenue. (9) That the chief evils of the monopoly "are not of a nature to be remedied" by any change of system, inasmuch as such changes, whether in the shape of an excise duty or a licensing system, etc., were open to the fatal objection "that, if the profit to be thereby realized will be large enough to bring in any considerable revenue to the State, it will likewise be high enough to hold out inducement to the contrabandist, and thus smuggling, the monster ill of the monopoly, will remain untouched."

These reasons prompted the Government to agree with the Board that the monopoly, which was so objectionable a source of public revenue, should be expunged from "the system of Indian Finance." And acting, as they did, on "the enlightened spirit of policy" expressed by the Court of Directors in 1847[2], they resolved, with the approval of the Directors, to abolish the monopoly "absolutely from the end of fasli 1262 or 11th July 1852."[3] As, however, the Board pointed out the difficulties involved in winding up the monopoly within so short a period,[4] the Government extended the time up to 31st December 1852.[5] Meanwhile, the Directors, in their Despatch of 22nd September 1852, authorized the "abolition of the tobacco monopoly in Malabar and Kanara and of the Regulations affecting its cultivation in Coimbatore with the least practicable delay."[6] Then arose some doubts on the part of the Government of India as to whether the Directors intended that the monopoly should be abolished only in Malabar and Kanara

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[1] It may be remembered that one of these outbreaks led to the murder of Mr. Conolly, the Collector of Malabar, in 1852.

[2] Page 296 *ante*.

[3] Revenue Consultations, dated 18th May 1852—Government Order.

[4] Board's Consultations Nos. 23-24, dated 31st May 1852.

[5] Board's Consultations Nos. 3-4, dated 14th June 1852.

[6] Revenue Despatches from England—Despatch, dated 22nd September 1852; Board's Consultations Nos. 8-9, dated 4th November 1852.

and not in Coimbatore.[1] It will be recollected that Mr. Sheffield's plan, as modified by the Government in 1829, was still followed in Coimbatore to supply the Malabar monopoly.[2] This Government explained to the Government of India that the Directors' orders for the abolition of the monopoly were applicable not only to Malabar and Kanara but also to Coimbatore.[1] The provisions of Regulation VII of 1811 had been extended by Regulation VIII of 1811 to Coimbatore[3]; for some time, i.e., precisely up to 1817, the internal monopoly had been adopted in Coimbatore but subsequently the system had undergone an entire change[4] "and the monopoly as regards that district at present affects only the cultivation of the articles and the disposal by the Government." The growers of tobacco fit for the Malabar market, according to the existing system, were required to deliver their produce to the Government at certain rates fixed from time to time, and the tobacco so supplied was sent to the Malabar depots, there to be sold on account of Government at enhanced rates. As such, though no revenue was derived by the Government from the sale of tobacco in Coimbatore, nor any sold on behalf of the Government in that district, this Government rightly considered that it was necessary to remove the restrictions on cultivation in Coimbatore (as ordered by the Directors), as they were tantamount to a monopoly in that district.[5] The draft Act for abolishing the monopoly in Kanara, Coimbatore and Malabar was passed by the Government of India into law by Act IV of 1853.[6] And it may be noted that, though the Act was passed only in March 1853, the monopoly was actually abolished by proclamation by this Government on 1st January 1853.[7]

PART III.—OTHER MODES OF RAISING REVENUE FROM TOBACCO.

From the very early days of the East India Company, a considerable revenue was raised from tobacco in the town of Madras.[8] The system consisted in farming the exclusive privilege of selling tobacco, along with betel, to the highest bidder, who, it must be supposed, obtained supplies and retailed them to the consumers through his licensed agents. The quantity of tobacco to be brought into the town everyday and the price at which it was to be retailed to the consumers were stipulated in the cowle of the farmer; and he was prohibited from charging more than the fixed retail price.[9]

Though this system was simple, it was productive of fraud and much hardship. Without attempting to enter into the history of

1 Papers regarding the tobacco monopoly (printed), pages 71–74.
2 Pages 285–286 of this note.
3 Pages 275–276 *ante*.
4 Page 279 *ante*.
5 Papers regarding the tobacco monopoly (printed), pages 72–73.
6 *Idem*, pages 8 and 72–74.
7 Board's Consultations Nos. 10–13, dated 4th November 1852; Nos. 13–14, dated 11th November 1852.
8 A betel and tobacco farm is mentioned in the Diary and Consultation Book of Fort St. George, 1695.
9 Revenue Sundries, Volume 10, pages 7–8.

the farming system, we may note, as a typical example, the results of an investigation made by a special commission in 1790[1] into the charges levelled against one Sunca Chinna Kistnama Chetty, the betel and tobacco farmer. It was elicited by the committee that the cowle had authorized Kistnama to keep his own shops without detriment to the other shopkeepers in Madras; that it had obliged him to keep two godowns at which the tobacco and betel were to be sold; that it had fixed the selling price of tobacco to the vendors at 7 fanams 20 cash[2] per viss. He had imported most of the tobacco by sea paying the usual duty of 5 per cent,[3] and, for what he had imported by land, he had paid the customary duty of 2½ per cent on the value of the article. We are also informed that the vendors or shopkeepers to whom he sold the tobacco retailed it to the consumers at 10 fanams per viss,[4] and that there were nearly 1,000 shops of betel and tobacco vendors in the town of Madras. And what is more interesting is the mode in which the farmer evaded the terms of his cowle.[5] This was, indeed, ingenious. After having received and stored all tobacco at the godowns, he invariably made it a practice to send the good sorts to his private shops managed by his own servants, and to sell the bad sorts to the other shopkeepers at the prices fixed by the cowle ; with the result that the shopkeepers, having found that their tobacco was not vendible, were obliged to buy the good sorts from his own shops at the retail price of 10 fanams a viss. Under this system, the farmer's shops sold large quantities daily, while the other shops sold little or none.

To avoid these evils, Mr. Baker was appointed as Manager of Betel and Tobacco Supplies in 1791.[6] The system he adopted was as follows: He obtained whatever tobacco was needed for supplying the demand, by contracts. It was mostly imported by sea. As soon as it was landed, it was taken to the godowns where it was kept locked under two keys, one of which was to be kept by the contractor and the other by the Company's Kanakupillai. From the godowns, tobacco was periodically sold, after being sorted, to the retail vendors at fixed prices, and the accounts of the sales were maintained. It is worth noting that this system also proved a failure because of the corruption among the Company's servants. It was alleged that they kept two sets of accounts and committed several other frauds. A committee was appointed to enquire into these frauds in 1802–1803.[7]

The post of the Manager was therefore abolished and the farming system again resorted to, as being the best that could be devised

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1 Revenue Sundries, Volume 10.

2 Revenue Sundries, Volume 10, page 8.

3 *Idem*, page 141.

4 *Idem*, page 8.

5 *Idem*, pages 99–139.

6 Board's Consultations Nos. 18–19, dated 29th August 1791.

7 Revenue Sundries, Volume 28.

under the circumstances to bring in a considerable revenue. The farming system appears to have continued throughout the period of the Company's rule; it also seems to have been tried in the Northern Circars till 1803.[1]

This was not the only method by which the Government raised a revenue from tobacco. In Madras and in other districts in the Presidency, save in Malabar and Kanara where they adopted the system of monopoly, they levied high town duties (or consumption duties as they were called) and the frontier duties and land customs. They also considered whether a system of licences on the lines of the abkari farm might not be introduced to derive a large revenue from tobacco.[2]

So far as Madras was concerned, Regulations IX and X of 1803, which systematized the collection of import and export duties by sea and land, laid down that a duty at the rate of 5 fanams a viss should be levied on all tobacco imported by sea or land. As regards other districts in the Presidency, Regulation XII of 1803, which abolished the sayer and other duties, established frontier and town duties on all tobacco as well as all other merchandize imported or exported by land. The frontier duty on tobacco was to be collected at the rate of 6 per cent, while the town duty was to be determined by the Collector under the orders of the Board of Revenue subject to the confirmation of the Government.

In 1805, the Government considered the feasibility of increasing the revenue from tobacco and asked the Board to submit its views on the subject. On a reference from the Board, the Collectors suggested various methods.[3] The Collector of Guntur proposed that the frontier duty might be raised from 6 per cent or 22 cash per viss to somewhat more than 20 per cent, or 1 fanam per viss. The Collector of Tirunelveli, a district which grew tobacco, on the other hand, proposed that the export duty might be reduced so as to hold out a greater temptation to Travancore to procure all tobacco from Tirunelveli instead of from Jaffnapatam. Colonel Munro, the Collector then in the Ceded Districts, offered some important remarks on the subject.[4] He observed that the Country Governments had, at one time or other, tried all the usual modes of raising a high revenue: (1) the imposition of an additional assessment on the land growing the article, (2) the levy of an extra duty on the article before it quitted the plantation, (3) farming the exclusive sale of the article to the highest bidder and (4) the levy of an extra customs on the article when sold. The first two modes, though the most simple and least expensive, he said, must be rejected, because they were vexatious to the cultivator and because

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[1] Board's Consultations Nos. 26–27, dated 20th August 1801.

[2] General Report of the Board of Revenue, dated 5th October 1806, paragraph 676 sqq.

[3] *Idem.*

[4] *Idem.*

they tended to discourage the cultivation of valuable products and thereby affected the land revenue or, at least, made it fluctuating. By farming to the highest bidder the exclusive sale of the article, he thought that a large revenue could be secured. If the farmer were authorized to add the existing "ordinary and extra duties," i.e., frontier and town duties, to the prime cost of the article and to charge an additional 25 per cent on the aggregate, as the sale price, and to include all towns and villages in his farm, he might agree to pay a considerable sum. If the price at which he was to retail the article was not fixed by the Government but left to be fixed by him, he might pay even a larger sum for his farm. This type of monopoly would not directly affect the cultivator, though indirectly it might do so. It would not hinder him from getting the usual profit on selling it to the export merchant, or to the person who purchased for his own use, but it would prevent him from making so good a bargain with the retail dealers as before; for, only one such dealer would in general be licensed by the farmer in each village. The decrease in his profit would either force him to throw up a part of his land or disable him from occupying more lands, and, in both cases, the revenue would suffer. For these reasons, Munro was of opinion that the last mode, the existing mode of collecting revenue from tobacco by an extra duty on the sale at the chowkies, was preferable to any other mode; because, though it was the least profitable, it was attended with the fewest inconveniences. "Whatever it yields is a real increase of revenue, for it does not lessen either the cultivation of the grower or the shop tax of the retailer."

But the Board favoured the farming system.[1] It did not appear to the Board that the cultivation of tobacco must necessarily suffer in any great degree from that measure, for it believed that, if the selling price was fixed at a moderate rate, there could be no reason to suppose that the cultivation would not be carried on to the extent of supplying the demand of the people. Proceeding on the assumption that the Government were resolved to abolish the town duty, the Board recommended that the frontier duty might be increased, or better still, that an exclusive sale of tobacco might be established by farming the privilege of exclusive sale either to one person as noticed by Mr. Munro, or by taluks and villages as proposed by Mr. Ravenshaw, or, again, by the issue of licences similar to that by which the sale of spirituous liquors was regulated. The Board, however, observed that the general adoption of either of those measures appeared in some respects liable to objection. In some districts, tobacco formed one of the staple commodities of trade and too great a restraint on sale, therefore, could not but be attended with detrimental effects. It might also be questioned whether, with regard to the districts permanently settled, the clause, in which the Government reserved the right of "levying

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[1] General Report of the Board of Revenue, dated 5th October 1806, paragraph 696 sqq.

an excise on articles of consumption," could be considered to justify any measure to the length of depriving the proprietors of the free use and disposal of the produce of their lands. But the Government agreed that the issuing of licences similar to those issued for the sale of spirituous liquors was the best mode for raising a revenue from tobacco and directed the Board to introduce it in all the districts, save Malabar and Kanara, where the monopoly appeared the most suitable method.[1] No sooner were these orders passed, than they had to be recalled owing to the prevalence of severe famine in most parts of the country. The Government were compelled to suspend the adoption of the measure for a time,[2] but it may be observed that they never afterwards introduced it in any district.

Meanwhile, in Madras itself, a high duty had been levied on tobacco imported into the town (Regulation I of 1804). This duty was still further enhanced by Regulation III of 1812 which laid down the duty as follows :—

First sort, 6½ fanams a viss.
Second sort, 6 fanams a viss.
Third sort, 5½ fanams a viss.

This duty was collected in Madras irrespective of the tobacco having paid duty elsewhere as enjoined by Regulations IX and X of 1803. Tobacco revenue thus became very profitable, in fact, the duty on it amounted to more than the customs derived from all other items put together. This naturally induced illicit importation by smugglers whose activities became so formidable that it was soon felt necessary to pass a special Regulation to protect the interests of tobacco traders. Regulation III of 1820[3] made it unlawful for anybody to bring or stock tobacco within a radius of 20 miles round the limits of Madras and empowered the Collector of Chingleput to issue licences to lawful traders and to apprehend the smugglers. Even this extreme measure was not found quite successful and the duty had to be reduced by half.[4] The reduction in the duty to some extent reduced smuggling, but, when this object was achieved in an appreciable degree, the Government once again raised the duty.[5]

As regards other towns and districts, Regulation XII of 1803 was rescinded by Regulation I of 1812.[6] And, instead of the levying of the frontier and town duties authorized by the former, the latter provided for the levying of a general inland duty of 5 per cent on the import and transit and sale of all articles of merchandize, including tobacco, in all the districts. Regulation VI of 1812 authorized the collection of a duty higher than 5 per cent in some

1 General Report of the Board of Revenue, dated 5th October 1806, paragraph 701.
2 Board's Consultations Nos. 25–26, dated 24th November 1806.
3 Volume of Regulations, 1810–1827.
4 Guide to the Records of Madras, page 181.
5 *Idem*, page 209.
6 Volume of Regulations, 1803–1813.

important towns,[1] and Regulation IX of 1831[2] extended to all such towns the provisions of Regulation III of 1820 which were applicable only to Madras. It may be noted that the transit duty on tobacco was levied in all the districts, except Kanara and Malabar, until 1844 when, by Regulation IV of 1844[3], the inland customs were entirely abolished, the frontier duties at the frontiers of foreign and Native States alone being retained.

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1 Volume of Regulations, 1803-1813.
2 Papers regarding the tobacco monopoly (printed), page 8.
3 Regulations and Acts, 1802–1879, by Dawes, page 137.

BRITISH RELATIONS WITH THE NAWABS AND PRINCES OF ARCOT.

[Written in 1935. It traces the relations between the English and the Nawabs and Princes of Arcot from the very beginning down to our times].

The East India Company's settlements on the coast of Coromandel naturally brought the British into contact with the Country Powers, more especially with the Nawab of Arcot who exercised in the south supreme authority under the powerful wing of the Nizam and the Great Moghul. Within fifty years of the establishment of Fort St. George, the Company found themselves face to face with a Nawab of Arcot; within a hundred years they found themselves inextricably drawn into the vortex of war and politics; and within a hundred and fifty years they found themselves unquestioned masters of the whole of the Carnatic, the Nawab their pensioner and his vassals their vassals. Our purpose here is not to describe the achievements of the British or to explain their wars and politics. It is to trace their relations with the Nawabs and Princes of Arcot from the early times down to the present.

It was in 1688 that Aurangzeb captured Golconda and in 1692 that he appointed Zulfikar Khan as the Nawab of the Carnatic and placed him in subordination to the Subahdar of the Deccan. From this time onwards began the relations of the Company with the Nawab who exercised paramount power over Madras as over all other places in the Carnatic. The Company, however, were for a long time by no means anxious to actively interfere in the politics of the south. But they had to keep up friendly relations with the Nawab and his Amildars with a view to safeguarding their settlements and improving their commerce and this they could do only by now and then sending him presents and sometimes by assisting him with men, munition and money. Thus, for instance, it was by employing one or all these means that in 1692 Governor Yale secured from Zulfikar Khan the *firmans* confirming the existing grants for the factories of Madras, Masulipatam, Madapollam, Vizagapatam, Fort St. David, Cuddalore and Porto Novo[1] and making new grants for Egmore, Persuwakam and Tondiarpet.[2] It was likewise by employing one or all these means that in 1717 Governor Collet obtained from Nawab Sadatulla Khan the *firman* for Trivetore, Satangadu, Catawauk, Vasalvada and Nungambaukam,[3] and in 1743 Governor Benyon obtained from the then existing Nawab, the *firman* for Perambore, Sadiankuppam, Ernavore, Poodpauk and Vepery.[4]

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1 Diary and Consultation Book, 1691 (printed), page 14.
2 Diary and Consultation Book, 1693 (printed), page 55.
3 Diary and Consultation Book, 1708 (printed), page 51.
Diary and Consultation Book, 1717 (printed), pages 117, 167.
Diary and Consultation Book, 1718 (printed), page 215.
4 Diary and Consultation Book, 1743 (printed), page 19.

But gradually the Company were compelled to cast off this pacific policy and to assume, though much against their will, an active war-like policy. Certain events which happened in quick succession in the middle of the eighteenth century embroiled them fully into the political turmoils of the Carnatic and eventually bore them on to a supreme position in the south. It happened like this.

Sadat-ulla Khan aimed at the retention of the Government in his own family and, having no children, adopted a nephew named Dost Ali and nominated him as his successor, after obtaining the private consent of the Moghul but omitting to secure, at the same time, the consent of his immediate superior, Nizam-ul-Mulk, the Subahdar of the Deccan. Dost Ali, who thus succeeded him in 1733, had two sons, Safdar Ali and Hasan Ali and several daughters. One of the daughters was married to Chanda Sahib and another to Murtaz Ali, both kinsmen of the Nawab. In 1736, on the death of the Raja of Trichinopoly, Chanda Sahib seized the place from the widowed Rani. In 1740 the Mahrattas, instigated by the Nizam, overran the Carnatic and routed and killed Dost Ali and his younger son Hasan Ali. Safdar Ali then immediately proclaimed himself as the Nawab, bought off the Mahrattas and induced them to attack Trichinopoly where Chanda Sahib had become independent. In 1741 Trichinopoly surrendered to the Mahrattas and Chanda Sahib, upon his failing to pay the ransom, was taken prisoner to Satara.[1]

The disappearance of Chanda Sahib from the scene no doubt strengthened the hands of Safdar Ali, but he still felt his position somewhat insecure, as Nizam-ul-Mulk refused to appoint him as the Nawab. He, therefore, took his family to Madras for protection and the Governor and Council of Fort St. George hired houses for him in the Black Town and gave him a suitable reception. His family remained in Madras as the guests of the Company but he himself soon proceeded to the Fort of Vellore where Murtaz Ali was Killedar. Murtaz Ali was one of the most crafty chieftains of those troubled times. He gave Safdar Ali a warm reception but, in October 1742, suddenly assassinated him and proclaimed himself as the Nawab.[2] The army, however, obliged Murtaz Ali to run away and proclaimed Sahib Jadda, Safdar Ali's son, as the Nawab under the name of Muhammad Said. Word was at once sent to Madras where the boy's elevation was announced with due ceremony.[3]

But the boy was destined to a cruel fate, as cruel as the one that visited his father. In 1743 Nizam-ul-Mulk arrived at Arcot and, when the young Nawab visited him, he promptly made him a prisoner. He promised to consider his claim when he reached man's estate and, in the meantime, appointed Khuwaja Abdulla Khan as the Nawab and, upon the latter's sudden death, appointed Anwar-ud-din Khan as the Nawab and, it appears, specially

[1] Diary and Consultation Book, 1733 (printed), page 13.
Diary and Consultation Book, 1740 (printed), page 83.
Diary and Consultation Book, 1741 (printed), page 59.

[2] Diary and Consultation Book, 1742 (printed), pages 148 and 161.

[3] *Idem*, page 208.

recommended the boy, Sahib Jadda, to his care.[1] But Murtaz Ali forthwith secured the assassination of the unfortunate boy (June 1744) and it was rumoured that Anwar-ud-din himself had connived at it.[2] This Anwar-ud-din was an old retainer of the Hyderabad State and was the Nizam's deputy in the Ellore and the Northern Circars. After the assassination of the boy he continued unchallenged as the Nawab and became the founder of the family that still exists.

Close on the heels of these kaleidoscopic changes came the news of the declaration of war between France and England. Events now quickly moved to a head and led to the establishment of a closer bond of union between the English and the Nawab. Anwar-ud-din, however, received overtures from both the English and the French, and secretly rejoiced at the capture of Madras by the French.[3] But his days were numbered and his son was very soon compelled to seek the English aid. On the death of Nizam-ul-Mulk in 1748, both his son Nazar Jang and his grandson, Muzafar Jang claimed the title of Nizam, and Muzafar Jang, in order to strengthen his claims, came to the south with a considerable army, allied himself with Chanda Sahib—lately released by the Mahrattas—and Dupleix, and, with the aid of a picked French force, attacked, defeated and killed Anwar-ud-din in the battle of Ambur. And then, after a grand reception at Pondicherry, the united forces marched towards Trichinopoly where Muhammad Ali, the second son of Anwar-ud-din, had entrenched himself.[4] Muhammad Ali now frantically applied to the English for help, and the English sent him a strong force to repel the attack[5]. From this time onwards the English persistently supported his cause and in the war that followed Clive defended Arcot against the army of Chanda Sahib.[6] The French were reduced to great straits and Chanda Sahib was compelled to take refuge with the Raja of Tanjore by whom he was murdered. Eventually the war resulted in the conclusion of a treaty between the English and the French (December 1754), subject to confirmation in Europe, by which each nation gained its lost possessions and Muhammad Ali was practically left as the Nawab of the Carnatic with all his territories intact.[7]

Such was the result of the war of Austrian Succession. But the Seven Years War made the Nawab still more dependent upon the English. For, in this war, the English not only crushed the French power in the Deccan and captured all their settlements, including Pondicherry (1761), but also assisted Muhammad Ali

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1 Diary and Consultation Book, 1744 (printed), page 81.

2 *Idem*, page 136.

3 Despatches to England; Despatch, dated 17th October 1746 (printed), page 3; Despatch, dated 2nd May 1747 (printed), page 13.

4 Despatches to England; Despatch, dated 2nd November 1749 (printed), pages 133–134.

5 Dodwell's Calendar of Despatches, 1744–55, page 85.

6 Fort St. David Consultations: Consultations, dated 7th October 1749, Volume 17, page 324.

7 Aitchison's Treaties, 4th edition, page 12.

in subjugating his recalcitrant poligars and secured for him, under their protection, a stable position in the south. By the Treaty of Paris (1763) the French acknowledged Muhammad Ali as the Nawab of the Carnatic and the Directors hoped that this would be "considered by the Nawab himself and the other Indian Princes as a further proof of our regard to our engagements and the value of our alliance[1]." In 1765 he was confirmed as the Nawab by a *firman* from the Emperor of Delhi and given the title of 'Walla-jah.' But virtual supremacy in the south had actually passed into the hands of the Company and the tone in which they wanted the Madras Council to address him in regard to Tanjore is by itself a sufficient evidence of this fact. They wrote: "If the Nawab saw his interest in the same light we do, he should be desirous above all things of maintaining peace and friendship with the King of Tanjore, content himself with what he now possesses and study the means of establishing order and maintaining tranquillity in his own government. It is certain that the Nawab's existence as such depends on the strength of the Company; he is too sensible not to feel this and will not, we hope, take any steps that may bring on new troubles without your concurrence. It is necessary that a respectful decency should be observed in all your negotiations with him, but, at the same time, it is just and proper that in such a case as this you should show a firmness becoming the power you represent.[2]"

Nor was this all. The large debts contracted by the Nawab with the English made him completely rely on the Company. In 1755–56 he had promised to retrench his expenses in order to pay off his debts which then amounted to 1,371,906 pagodas, and assigned to the Company certain districts with orders for 8 lakhs of rupees on the renters of Arcot countries payable biennially[3]. In 1763, in consideration of these debts which by now had much increased, and in consideration of the assistance rendered him, he confirmed on the Company the Jaghir (Chingleput district), yielding an annual revenue of upwards of 4 lakhs of pagodas, for which they had obtained a *firman* from the Moghul Emperor[4]. So much about his public debts. He also incurred huge private debts to the Company's servants, including the Members of Council, borrowing money recklessly at extortionate rates of interest.

All this gave him much uneasiness but at the same time afforded him many opportunities to exercise a most unwholesome influence over the policy of the Madras Council. Because of his chronic indebtedness and utter dependence, the Madras Council under directions from the Company again and again tried to interfere in his administration, and strange to say, because of the very same reasons, the Nawab also again and again tried to influence their conduct, to make them bow down to his own will. When he

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1 Military Despatches from England, Volume 2, page 127.
2 Military Despatches from England, Volume 3, page 162.
3 Military Despatches to England, Volume I, page 39.
4 Military Consultations Volume, No. 19, pages 420 and 621.

found the Madras Council attempting to regulate his administration, he sent Macpherson, a purser of the Company's ship, to England as his agent to seek the King's protection against the Company. Macpherson approached the Prime Minister and was so successful in his mission that the Ministry sent out Sir John Lindsay to Madras in 1770 in the dual capacity of Naval Commander-in-Chief and Minister Plenipotentiary at the Court of the Nawab with powers to treat with Indian rulers and to enquire into the past conduct of political affairs. This very much annoyed the Madras Council and tended to diminish their influence and authority, to degrade them in the eyes of the Nawab. The differences which in consequence arose were prolonged by Sir Robert Harland, who succeeded Lindsay in 1771, and who, like Lindsay, encouraged Muhammad Ali in his designs of uniting with the Mahrattas against Hyder Ali in opposition to the wishes of the Madras Council. Lindsay and Harland, however, failed to induce the Madras Council to enter into a treaty with the Mahrattas. But, backed by Harland on the one side and the corrupt influence of the private debt on the other, Muhammad Ali exacted from the Council their consent to the attack and capture of the kingdom of Tanjore (1771–1773). Matters became worse when the Company despatched orders to restore Tanjore to the Raja and sent out Lord Pigot as Governor, for the second time, to carry out these orders. For, this brought him into violent collision not only with the Nawab but also with his creditors who had acquired interests in Tanjore. They were supported by the majority of the Council and the result was that, when one evening in August 1776, Pigot drove from the Fort to his Garden House, he was attacked and hurried off into military confinement on the Mount. He died, while still in confinement, in the following year.

But the sands were running fast. The Nawab was soon to find himself deprived of all his possessions and changed into a mere figure head, an object of compassion for the British. If only he had known this, he would not have been a party to the cruel treatment meted out to Pigot. But we are anticipating events, which have a tendency to take their own course however wayward or inexplicable it may appear to us. For, in the meanwhile, Muhammad Ali was driven to seek again the protection of the Madras Council and at the same time impelled to carry on intrigues behind their backs. When Hyder Ali, having consolidated his position in Mysore, descended on the Carnatic carrying fire and sword everywhere, Muhammad Ali ran to the English for aid, and the English with all their forces defended his possessions and drove Hyder back to his dominion. But, to the demands of the Madras Council to make some arrangements to pay off his debts, Muhammad Ali turned a deaf ear and in 1781 sent Joseph Sullivan as his agent to Calcutta, without the knowledge of the Council in order to obtain a clear recognition from the Governor-General of his right as a sovereign on the following points: (1) His hereditary right to the sovereignty of the Carnatic and consequent repudiation of all

claims on the Company's part to any interference with him in the exercise of his powers; (2) an admission of his right to name his successor to the Nawabship; (3) an exemption from all demands upon his treasury beyond the maintenance of ten battalions of sepoys to be employed at his requisition; (4) the restoration to him of Tanjore; and (5) the Company's assistance to liquidate the claims of his European creditors.[1]

And now began a series of negotiations and treaties which ultimately deprived the Nawab of all his possessions. The Supreme Government assented to four of his demands, observing that in regard to Tanjore, it was not theirs to restore; but, to their general assent they attached a condition that during the time of the war the Nawab should make over all the revenues of his country to the Company, the collection of the revenues being left to his own agents, with whom, however, were to be associated certain persons to be appointed by the Madras Council. The Nawab, of course, would be assigned such of his revenues as would be considered necessary to enable him to meet the private and public demands upon him. No sooner was this agreement made (1781) than Lord Macartney forced another agreement on the Nawab, by which it was laid down that his territories should be made over to the Company to be directly administered by them for a period of five years and that he should receive 1/6th of the total revenue annually for his personal maintenance (December 1781).[2] When this treaty expired and the Carnatic was again restored to the Nawab, negotiations with him were once more reopened which ended in the treaty of 1792. By this treaty the Nawab agreed to absolutely surrender the civil administration of the whole of his territories to the Company during the continuance of the war, to receive 1/5th of the revenues annually as an allowance and to pay off annually 22 lakhs of rupees for the liquidation of his private debts.[3] Shortly afterwards, on the death of Muhammad Ali (1795), Lord Hobart, finding this arrangement unsatisfactory, proposed to Umdut-ul-Umrah, the eldest son of Muhammad Ali, the following modifications: (1) the entire surrender to the Company of those districts in the Carnatic which the Nawab had temporarily assigned to the Company in lieu of the money payments due for the maintenance of the Company's troops; and (2) the cession of the right of sovereignty over the poligar chiefs, which right the Nawab had already ceded by the surrender of the poligar tribute to the Company.[4] But Umdut-ul-Umrah refused to accept these terms[5] egged on by his debtors who perplexed, plagued and intimidated him and exerted all their energies to prevent a measure which threatened to deprive them of all future opportunity to extend their claims upon him. It was in

[1] Captain Rowlandson's Report, paragraph 30 sqq., in Secret Consultations Nos. 3–4, dated 12th December 1843.

[2] Aitchison's Treaties, 4th Edition, page 35.

[3] *Idem*, page 48.

[4] Military Consultations Volume, No. 199, pages 3440 and 3747.

[5] Secret Consultations Nos. 3–4, dated 12th December 1843, paragraph 45 of the Report.

vain that Sir John Shore reiterated the proposal of Lord Hobart. However, all the time, affairs went from bad to worse and the Carnatic was consigned to the tyranny of needy relatives and exactions of shroffs and sowcars.

It was at this juncture that Lord Wellesley made the discovery of a secret correspondence carried on (partly in Persian and partly by the use of cipher) between Nawabs Wallajah and Umdut-ul-Umrah and Tippu Sultan. This discovery was made in 1799 on the capture of Srirangapatam and the death of Tippu. Now, one of the articles of the treaty of 1792 was that the Nawab should not enter into any correspondence with any European or Indian Power without the concurrence of the Company. The correspondence therefore was carried on clearly in violation of the terms of the treaty. And as this correspondence showed that the Nawab could not be trusted, and his past actions testified that he could never be relied upon to administer his country properly and to pay off his large debts, Wellesley resolved to assume the government of the Carnatic and to make suitable provision for the Nawab and his family. He wrote: "My judgment is convinced of the criminal purpose and of the actual endeavours of the late and present Nawabs of Arcot to establish a union of intercourse with the late Tippu Sultan, incompatible with the existing engagements between the Nawab of the Carnatic and the Company and tending to subvert the British power in the Peninsula of India[1] . . . My knowledge of the internal administration of His Highness's affairs convinces me that the resources of the Carnatic can never be faithfully applied to the exigencies of public affairs while His Highness shall exercise the executive government. I have no hesitation therefore in stating my decided judgment that no actual security can be established for the rights pledged to the Company in the Carnatic, for the effectual restraint of the adverse and faithless disposition of the Nawab of Arcot, or for the successful introduction of an improved system of finance, revenue and judicature into the territories subject to the Government of Fort St. George by any other mode than by administering through the Company's officers the entire civil and military government of the Carnatic."[2]

Meanwhile Umdut-ul-Umrah died (July 1801) and Wellesley insisted that his son, Ali Hussain (or Tajeel Umrah) could ascend the musnud only on the conditions mentioned above and, when Ali Hussain refused to accept the conditions, Lord Clive, the Governor, lost no time in negotiating with Azeem-ud-Dowlah, son of Ameer-ul-Umrah, the second son of Nawab Wallajah. Azeem-ud-Dowlah accepted the conditions which were embodied at once in the treaty of 21st July 1801.[3] By this treaty Azeem-ud-Dowlah was recognized as the Nawab and became entitled to the rank and dignity of his ancestors, the former Nawabs of the Carnatic. He agreed

1 Wellesley's Despatches, Martin, Volume II, page 517.
2 *Idem.*
3 Secret Despatches to England; Despatch, dated 3rd August 1801, paragraphs 7, 10, 12 sqq. and 20; Despatch, dated 1st October 1801, paragraph 10.

to vest the Company with the sole and conclusive administration of the civil and military government of the Carnatic and with all the revenues thereof. He also agreed not to enter into any correspondence with any European or Indian Powers without the knowledge and consent of the Company and to acknowledge the debt due by his ancestors to the Company, commonly called the cavalry loan amounting to 13,24,342 star pagodas and also the portion of the registered debt of Nawab Wallajah hitherto paid by the Company. The Company, on the other hand, agreed to maintain and support the military force necessary for the defence of the Carnatic and the protection of the rights and person of the Nawab. They also agreed to allot 1/5th of the net revenues of the Carnatic annually for the maintenance and support of the Nawab and his own immediate family in addition to the annual payment of a sum of 6,21,105 star pagodas or 27,73,867⅓ rupees from the revenues of the Carnatic towards the liquidation of certain registered debts. They likewise agreed to make suitable provision for the families of the Nawabs Wallajah and Umdut-ul-Umrah.

Soon after the conclusion of this treaty, Ali Hussain died and Hissam-ul-Mulk, the fourth surviving son of Muhammad Ali, who had made some faint pretensions to succeed to the musnud quietly retired upon the provision of Rs. 4,200 per mensem assigned by the British Government for his support.[1] The claim of Hissam-ul-Mulk has some colouring in the Muslim law which in cases of inheritance gives a preference to the claims of a younger son above those of the offspring of an elder brother, but the hereditary right, it must be clearly understood, was not the basis upon which the British Government had placed Azeem-ud-Dowlah on the musnud, since Nawabs Muhammad Ali and Umdut-ul-Umrah were both considered to have forfeited the friendship of the British by their secret and treacherous correspondence with Tippu.[2] The elevation, therefore, of any of their descendants to the musnud of the Carnatic was an act of clemency and expediency on the part of the British Government and not a recognition of the right of such party.[3]

The effect of this treaty was to bring under the British rule the whole of the country from the Northern Circars to the Cape Comorin, with the exception of the French settlements of Pondicherry and Karaikal and the Dutch settlement of Tranquebar. From this time began the British administration of our Province and from this time the Company may be said to have shed its commercial character and become a formidable political power in the south. From this time also the relations between the British and the Nawab underwent a profound change. It was marked by sympathy and consideration for the fallen on the one hand and by continual claims and requests, sometimes even unreasonable complaints,

[1] Political Despatches to England, Volume 6, page 50.

[2] Secret Consultations Nos. 3–4, dated 12th December 1843, paragraph 136 of the Report.

[3] Secret Despatches to England, Volume 2, page 112.

on the other. We now enter into a long period of over a century and more of these claims and requests for allowances, honours and privileges and also of complaints.

In 1806 a Paymaster of Carnatic Stipends was appointed to disburse the payment of pensions.[1] In 1819 Azeem-ud-Dowlah died and was succeeded by his eldest son Azum Jah.[2] In 1825 on Azum Jah's death his only son, a minor, Ghulam Muhammad Ghous, was proclaimed as the Nawab and his uncle, Prince Azeem Jah, brother of the deceased Nawab, was appointed as the Regent. In 1842, Ghulam Muhammad, having attained majority, was formally installed on the musnud.[3] During this period the Nawabs did not give much trouble to the Government. Ghulam Muhammad asked for the privilege of exemption for himself and his relations and attendants from civil and criminal process and from jurisdiction of the courts of justice and this was granted him by passing Act I of 1844.[4] But when he asked for the revision of stipends he was told that it could not be done.[5] On his death, however, without issues, on 7th October 1855, a number of difficulties cropped up. Prince Azeem Jah showed himself a very contentious, troublesome person. He immediately put in a claim for the Nawabship. He represented that he was the lawful heir and legal successor to his nephew and that the Government had already recognized his claim in 1843 by placing him first in the list of the male relations of the Nawab. This created a protracted correspondence in which the Government refused to appoint him as the Nawab and the Prince again and again petitioned this Government, the Government of India and the Home Government to get himself so appointed. Ultimately he lost his case and he and his descendants came to be called only Princes of Arcot, the title of Nawab having been never afterwards revived.

The attitude which the Government adopted can be made clear by a few references to the records. Lord Harris, the Governor, held that the Government had the undoubted right to renew or not to renew the Nawabship. What the sovereign power could grant, he said, it could surely rescind, if it deemed it contrary to public welfare. "I am convinced", he went on, "serious moral evil is caused by the continuance of the pageant of an effete royalty . . . and political inconvenience might at any time arise from the existence of a court at the Presidency which, though destitute of authority and power, must be inimical, or at all events, discontented and capable of being made a nucleus of intrigue." Lord Dalhousie agreed with this view and remarked that the treaty of 1801 conferred no right of hereditary succession, that it was a purely personal one, that it made no mention of heirs or successors

1 Political Consultations Volume No. 23, page 1066.
2 Political Consultations Volume No. 136, pages 1660 and 1666.
3 Political Consultations Volume No. 174, page 1070; Volume No. 356, page 4350.
4 Political Consultations Volume No. 373, page 3368; Volume No. 379, page 874.
5 Political Consultations Volume No. 529, page 1194.

in any part of it, that it related only to Azeem-ud-Dowlah with whom it was concluded and that the two Nawabs, who occupied the musnud of the Carnatic since Azeem-ud-Dowlah, occupied it solely by grace and favour of the British Government and not by right. He finally observed that no successor to the Nawab of the Carnatic should be named or recognized, that the titles, privileges and immunities of the family should cease, but that the members of the family should be treated with liberality. And the Court of Directors pronounced their decision thus: "We fully adopt the opinion of the Governor-General and of the Madras Government that the title and dignity of Nawab and all the advantages annexed to it by the treaty of 1801 are at an end. We approve the proposals that a handsome allowance should be given to the Prince Azeem Jah Bahadur, that the salaries of the principal officers of the Nawab's household should be continued for their lives and that all the servants, attendants, troops and followers should be discharged, pensions or gratuities being granted to such as may have an equitable claim to such consideration."[1]

But the Prince resented all this, though he gave out for some time that he acquiesced in his new position and for this pliancy was treated as the first nobleman of Madras.[2] From 1861 he went on memorializing the Secretary of State and the King in Council urging the restoration to him of the Nawabship of the Carnatic with all its rights, titles, dignities, revenues, etc., and asserting that he was the legal heir and successor of the late Nawab.[3] Under so much of dinning which made some noise even in Parliament,[4] an arrangement was finally arrived at in 1867 by which he renounced his claim to the musnud and the Government agreed to make provision for the payment of his debts and the maintenance of his family and to grant him (1) the title of the Prince of Arcot, (2) a salute of 15 guns, (3) permission to maintain a body-guard of 50 sepoys, 8 troopers and 80 artillery men, and (4) exemption from civil and military process. Of these privileges (1) alone was declared hereditary, the remaining (2), (3) and (4) being expressly restricted to his life. It was also arranged that the four sons of Azeem Jah then living or such of them as survived him should succeed to the title in turn and that the Government should, on the death of the last survivor of the four sons, select a successor from among his lawful grandsons in the male line of descent.[5] The title of the Prince of Arcot was conferred on Azeem Jah by a special patent in 1870 under Her Majesty's Sign Manual.[6]

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1 Collection of papers from 1855 to 1859, pages 13–46.

2 *Idem*, pages 49–50.

3 G.Os. No. 444, Political, dated 11th October 1861; No. 200, Political, dated 22nd May 1862.

4 Secret Despatch No. 4, dated 18th September 1866, from the Secretary of State to the Governor-General in Prince of Arcot File, Volume II.

5 Prince of Arcot File, Volume I, pages 109–118; G.Os. No. 216, Political, dated 31st July 1867; No. 277, Political, dated 8th October 1867; Nos. 327–328, Political, dated 19th May 1897.

6 G.O. No. 123, Political, dated 25th April 1871; Aitchison's Treaties, Volume X, pages 64–66.

At this stage we may, for clarity, briefly indicate the succession of the Princes of Arcot and then deal separately with the claims made by these Princes. Prince Azeem Jah died in 1874 and was succeeded by his eldest son Zahir-ud-Dowlah, who in turn died in 1879 and was succeeded by his brother Intizam-ul-Mulk. Two years later, Umdut-ul-Mulk, the third son of Azeem Jah died and in 1884, the fourth son, Muazzaz-ud-Dowlah, also died. Intizam-ul-Mulk died in 1889. Of the second generation of Prince Azeem Jah's family there then survived four shadi sons, the eldest of whom was the son of the second Prince, Zahir-ud-Dowlah, the other three being sons of the deceased Muazzaz-ud-Dowlah. The first mentioned was of weak intellect and was therefore passed over and the eldest of the sons of Muazzaz-ud-Dowlah was selected in 1885 and acknowledged by Letters Patent as the heir to Intizam-ul-Mulk.[1] Prince Muhammad Munavar who succeeded his uncle Intizam-ul-Mulk died in 1903 when, his eldest son, the present Prince, Ghulam Muhammad Ali, succeeded him.

Turning now to titles, honours, privileges, money allowances, etc., the title of Nawab was only once claimed by the successors of Azeem Jah, and that was in 1877 by Zahir-ud-Dowlah; but the Government refused to consider this claim.[2] The title of His Highness, on the other hand, had a chequered history. In 1888 when the Government of India desired to lay down rules regarding this title and to confine it only to ruling chiefs having salutes of 10 guns or more, this Government stated that Prince Intizam-ul-Mulk, who had for a long time been styled His Highness, might be permitted to retain the title, but that his successor might not be given it.[3] And in 1890 when the Government of India used this title in addressing Prince Muhammad Munavar, this Government objected to the use of it on the ground that it should be confined only to ruling chiefs and not to other chiefs, like the Prince of Arcot, of recent creation, who were really nothing more than private persons and who might, if so honoured, try to revive their past glory.[4] The Government of India accepted this view[5] and, when this Government themselves discarded this view in 1897 and recommended that the title might be conferred on the Prince of Arcot for conciliating and honouring the Muslim community of Southern India, refused to comply with the recommendation and procured for the Prince only the title of K.C.I.E.[6] Prince Ghulam Muhammad Ali, however, made repeated attempts to secure the title of His Highness in 1908,[7] 1912,[8] 1914[9] and 1932[10] and at last succeeded in securing it in

1 G.O. No. 37, Political, dated 21st January 1885.
2 G.O. No. 171, Political, dated 7th March 1877.
3 G.Os. No. 590, Political, dated 29th August 1888; No. 99, Political, dated 22nd February 1889.
4 G.O. No. 170, Political, dated 20th March 1891.
5 G.O. No. 389, Political, dated 29th June 1891.
6 G.Os. Nos. 327-328, Political, dated 19th May 1897; No. 784, Political, dated 16th December 1897.
7 G.O. No. 166, Political, dated 4th August 1908.
8 G.O. No. 183, Political, dated 27th March 1912.
9 G.O. No. 399, Political, dated 31st July 1914.
10 G.O. No. 260, Public (Political), dated 8th December 1932.

1934.[1] The correspondence which took place upon this subject clearly shows that the title was given as a sop to the Muslim community who steadily sided with the Government and refused to join the civil disobedience movement.

As to salutes, precedence and ceremonials, much consideration has been shown to the Princes. We have already seen that Prince Azeem Jah was given a salute of 15 guns as a personal privilege.[2] This personal privilege was, after much petitioning, given also to Prince Zahir-ud-Dowlah and Prince Intizam-ul-Mulk.[3] But it was not granted to Prince Muhammad Munavar Ali or to Prince Ghulam Muhammad Ali, in spite of a great amount of petitioning and in spite of the support which it received from this Government. The Government of India and the Secretary of State held that the bestowal of this honour, though very much prized by the Muslims of India, would be greatly resented by the Ruling Princes who did not want to cheapen a privilege specially attached to their order.[4] About precedence, the Prince of Arcot has been assigned the rank next to the Members of the Executive Council in Madras,[5] and about ceremonials, he has been treated with much respect on his visits to the Government House or on his attending balls at the Banqueting Hall.[6]

Equal consideration has been shown in providing decent accommodation to the Princes and in exempting them from personal appearance in the courts, etc. In 1867 the Government undertook to provide a suitable residence for the Prince in or near Madras and temporarily gave him lodgings in Shadhi Mahal; in 1870 the construction of Amir Mahal was taken up;[7] in 1877 the Prince occupied this building as his residence and repairs to it were ordered to be undertaken at public expense;[8] in 1904 it was provided with new furniture[9] and in 1908 it was fitted up with electric lights

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[1] G.Os. No. 21, Public (Political), dated 4th February 1935; No. 260, Public (Political), dated 8th December 1936.

[3] G.O. No. 141, Political, dated 22nd May 1867.

[2] G.Os. Nos. 62-63, Political, dated 16th February 1874; No. 153, Political, dated 10th March 1875; No. 464, Political, dated 27th July 1875; No. 656, Political, dated 19th December 1878; No. 59, Political, dated 8th February 1882; No. 127, Political, dated 15th June 1882.

[4] G.Os. No. 542, Political, dated 6th August 1894; Nos. 327-328, Political, dated 19th May 1897; No. 784, Political, dated 16th December 1897; No. 2126, Political, dated 6th April 1901; Nos. 77-78, Political, dated 17th February 1902; No. 486, Political, dated 27th September 1902; No. 166, Political, dated 4th August 1908; No. 183, Political, dated 27th March 1912; No. 399, Political, dated 31st July 1914; No. 113, Public (Political), dated 9th September 1929; No. 159, Public (Political), dated 17th July 1930; No. 260, Public (Political), dated 8th December 1932; No. 21, Public (Political), dated 4th February 1935.

[5] G.Os. No. 318, Political, dated 28th May 1875; No. 456, Political, dated 24th July 1875; No. 544, Political, dated 28th August 1875; No. 606, Political, dated 30th December 1910; No. 240, Political, dated 18th May 1911; No. 1480, Political, dated 4th August 1926; L. Dis. No. 28635, Political, dated 4th December 1933.

[6] G.Os. No. 141, Political, dated 22nd May 1867; No. 47, Political, dated 18th May 1928.

[7] G.O. No. 252, Political, dated 4th May 1876.

[8] G.O. No. 260, Political, dated 7th April 1877.

[9] G.O. No. 95, Political, dated 16th February 1904.

and fans.[1] It was from the very beginning exempt from quit-rent, and besides this, at the request of the Princes certain properties belonging to them in Madras were also exempted from the payment of quit-rent.[2] In regard to exemption from the courts, we have already seen that Prince Azeem Jah was, as a personal privilege, granted exemption from the jurisdiction of the civil and criminal courts. Just before his death, on his representation, Act XX of 1873, called the Prince of Arcot's Privileges Act, was passed exempting all his four sons from the jurisdiction of the civil courts.[3] This exemption which was clearly unwise was, however, not granted in spite of much petitioning, to Prince Muhammad Munavar Khan and to Prince Ghulam Muhammad Ali, though, as a mark of respect, they were exempted from personal appearance at civil courts.[4]

Nor is this all. Great consideration has been shown to the Princes in the matter of allowances and loans. In 1868 it was resolved that on Azeem Jah's death his successors to the title should be granted Rs. 50,000 annually with a personal allowance of Rs. 10,000.[5] In 1870 Azeem Jah was, in addition to his annual stipend of 1½ lakhs of rupees, given a special personal annual allowance of 1½ lakhs of rupees[6] and a little later a loan of 12 lakhs of rupees to pay off the Carnatic debts;[7] and in 1874, on his death a grant of Rs. 10,000 was given for his funeral expenses.[8] In 1885, on a representation from Prince Intizam-ul-Mulk that his income was barely sufficient to cover the charges of his household and ceremonials, an annual increase of Rs. 8,400 was sanctioned to his allowance.[9] The present Prince Ghulam Muhammad Ali poured in requests after requests for more allowances. As a result of this in 1909 he was given as a special case a free grant of Rs. 15,000 towards his marriage expenses and a loan of Rs. 15,000 free of interest repayable within ten years.[10] In 1919 his annual pension of Rs. 50,000 was increased by Rs. 6,000[11] and in 1928 by another sum of Rs. 5,000.[12]

There are two more matters which require elucidation, namely, the claims of the Nawabs and Princes of Arcot to a jaghir in Hyderabad and the settlements made from time to time to clear off their debts. The first matter can be disposed of without much ado, but the second demands a lengthy explanation. It appears that, in

1 Dis. No. 166, Political (Confidential), dated 4th August 1908 and G.O. No. 409, Public Works, dated 23rd March 1908.

2 G.Os. No. 261, Political, dated 27th April 1911; No. 399, Political, dated 31st July 1914; No. 70, Political, dated 23rd July 1928.

3 G.O. No. 80, Political, dated 28th February 1873.

4 G.Os. No. 542, Political, dated 6th August 1894; No. 1894, Judicial, dated 9th December 1904; No. 183, Political, dated 27th March 1912.

5 G.Os. No. 106, Political, dated 27th April 1868; No. 233, Political, dated 28th October 1868.

6 Secret Despatch from England, No. 4, dated 18th September 1866.

7 G.O. No. 226, Political, dated 30th May 1874.

8 G.O. No. 138, Political, dated 30th March 1874.

9 G.Os. No. 60, Political, dated 29th January 1885; No. 487, Political, dated 20th July 1885.

10 G.O. No. 163, Political, dated 30th March 1909.

11 G.O. No 609, Public (Political), dated 17th November 1919.

12 G.O. No. 70, Political, dated 23rd July 1928.

the time of Nawab Wallajah, the Nizam made a grant of a jaghir to two of Wallajah's younger sons Hissam-ul-Mulk and Nasir-ul-Mulk for the maintenance of the tomb of Anwar-ud-din, the father of Wallajah. On the death of Umdut-ul-Umrah in 1801, the Nizam withdrew the grant but gave it again, shortly afterwards, upon application, to Azeem-ud-Dowlah. Nawab Azeem Jah seems to have held it without any fresh grant from the Nizam. Meanwhile, the sanad granted to Azeem-ud-Dowlah, which was sent to the Government for inspection, having been lost at the time of Nawab Muhammad Ghous in 1839 when Prince Azeem Jah was Regent, the Prince applied for a fresh grant to the Nizam and the Nizam gave it.[1] But the Nizam refused to renew it to Prince Azeem Jah; the Prince applied for it through the Government and requested them to support his claim, but it was of no avail.[2] In 1893, Prince Muhammad Munawar Ali, and in 1904, Prince Ghulam Muhammad Ali also applied for the jaghir through the Government, but the Nizam refused to consider the matter.[3]

While this jaghir affair gave no trouble to the Government, the debts gave them an infinite amount of trouble. We have already seen how these debts at the time of Wallajah harassed the Government. We may now see how they went on harassing till about 1870 and what arrangements were, from time to time, made to liquidate them. In 1756 Wallajah's debts amounted to 1,371,906 pagodas and it was estimated that, by certain assignments he had made, they would be reduced by 1,50,000 pagodas a year, provided no army took the field.[4] But this could not be, as the hostilities continued and the fall of Pondicherry (1761) found the Nawab with a debt of 2,525,375 pagodas to the Company.[5] On the conclusion of the Treaty of Paris, in consideration of his debts, he conferred on the Company certain districts yielding an annual revenue of about 4½ lakhs of pagodas. His debts were thus reduced in 1766 to 13,65,104 pagodas but in reality his financial position was found to be worse[6]; for, he had, in the meantime, incurred large private debts and these then amounted to 2,229,650 pagodas.[7] The worst feature of these transactions was that these loans had been borrowed at a high rate of interest ranging from 20 to 36 per cent. The Directors, the moment they came to know of this, ordered that the rate of interest should be reduced to 10 per cent;[8] and the Nawab, taking advantage of this, proposed to assign the revenues of certain districts to trustees in order to discharge the principal due to all his creditors with 10 per cent interest within

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1 G.O. No. 205, Political, dated 18th August 1865—*see* Prince Azeem Jah's letter.

2 G.Os. No. 428, Political, dated 7th July 1858; No. 52, Political, dated 12th February 1862; No. 205, Political, dated 18th August 1865.

3 G.Os. Nos. 464–465, Political, dated 18th July 1893; Nos. 278–279, Political, dated 18th May 1904.

4 Calendar of Despatches to England, 1754–1765; Despatches to England, dated 20th November 1756, page 73.

5 Cambridge History of India, Volume V, page 273.

6 *Idem*, page 273.

7 Public Consultations Volume, No. 100-A, page 578.

8 Despatch from England, dated 17th May 1766.

three years[1]. There was no doubt that by this arrangement his debt would have been discharged in a few years; but his extravagance, his recklessness engendered by the Lindsay Commission and the invasions of Hyder, deprived him of the means of doing it.

All the time Wallajah was keeping up a large army which he could not pay regularly. He was therefore persuaded to disband his regiment of horse. But, as he had no money to pay off the arrears to the troops and as the Company were unable to help him, he borrowed in 1777 from private creditors on the Company's security a loan which amounted to 1,60,000 pounds sterling.[2] This loan, which was subsequently called the Cavalry loan, was, however, not without its disadvantages. It put a further strain on his slender resources. He had at this time not only to pay 7 lakhs of pagodas annually towards the maintenance of the Company's troops and upwards of 3½ lakhs as rent for the jaghir and Poonamallee districts, but he had to discharge his large private debts.[3] The result was that, in 1781, after much persuasion, he was made to agree to transfer the revenues of the Carnatic for five years to the Company. The Committee of Assigned Revenue which was accordingly appointed to administer the Carnatic introduced great reforms in administration and increased the net revenue from 6 to 12 lakhs.

But Wallajah still went on borrowing from the Company's servants, and granting further assignments of land revenue. His creditors soon made large fortunes by oppressions and exactions and these scandals became so great that the Parliament in an Act of 1784 provided that the Court of Directors should investigate these debts and establish a fund for their discharge.[4] The Company divided the debts into three categories: the consolidated loan of 1767, the Cavalry loan of 1777 and the consolidated loan of 1777.[5] And a Committee which was appointed to investigate them reported that the first amounted to 7,96,445, the second to 6,90,624 and the third to 54,98,500, pagodas.[6] In 1787 Wallajah was compelled to pay 12 lakhs of pagodas annually to liquidate these debts.[7] But then, there came the Mysore War (1790), when it was found that he was unable to collect any revenues from the Carnatic and consequently unable to pay anything towards the discharge of his debts. It was for this reason that it was determined to take the administration of the Carnatic into the Company's hands so long as the war lasted. When peace was restored and the Carnatic was handed back to Wallajah, he, however, did not in the least

1 Public Consultations Volume, No. 100-A, page 578.

2 Writings and Speeches of Edmund Burke, Volume III, page 39 sqq.

3 Love's Vestiges of Old Madras, Volume III, page 188.

4 India under Wellesley, P. E. Roberts, page 87; Mill's History of India, Volume V, page 17.

5 Despatches from England: Despatch, dated 9th December 1784, Volume 88, pages 84–85.

6 Military Consultations Volume, No. 112, page 1262.

7 Aitchison's Treaties, page 46.

mend his manners. He again borrowed, and again assigned the revenues and again brought oppressions and exactions on the country. And his son Umdut-ul-Umrah merely followed his footsteps.[1] It was because of this incorrigible state of affairs that in the treaty of 1801 Wellesley insisted on the surrender of the administration of the Carnatic for ever to the Company. An arrangement was then also made for the gradual liquidation of the long-standing debts; the Company took upon themselves the charge of paying off the debts of the Nawab's private creditors by the annual payment of Rs. 27,73,867 from the revenues of the Carnatic, while the Nawab held himself answerable for all debts due to the Company, including the Cavalry loan.[2]

By 1804 the old debt was paid off by the Company in regular instalments as agreed to in 1801. But it was then discovered in dismay that, since the adoption of the liquidation scheme of 1784, a new enormous debt exceeding £29,000,000 sterling had been contracted by the Nawabs.[3] The loan of 1777 had been admitted after a stern order from the Directors forbidding their servants to have anything to do with the money matters of the Nawab. But the admission of this loan offered a strong temptation to the Company's servants and others to lend money to the Nawab on bonds of any description in the hope that some future good-natured President of the Board of Control would redeem them.[4] But a Commission which was appointed in 1805 and which sat till 1830 accepted only 10 per cent of the claims as genuine.[5]

Meanwhile fresh debts were contracted by Nawab Azum Jah and to liquidate these the Government, on his death, had to advance a loan of Rs. 13,50,000 to Prince Azeem Jah who acted as Regent during the minority of Muhammad Ghous.[6] The Prince was warned not to borrow thereafter any money without the sanction of the Government, but he borrowed all the same without their knowledge and it was found in 1835 that he had piled up debts exceeding 25 lakhs of rupees.[7] By constant hammering he was somehow made to liquidate debts to the tune of 12 lakhs, but when in 1842 Muhammad Ghous attained majority and was formally installed as the Nawab, he found that he was still saddled with debts amounting to 13 lakhs. The Court of Directors, when they came to know of this, passed severe strictures on the conduct of Prince Azeem Jah and ordered that he should be excluded from the durbars and that his stipend of Rs. 4,000 per mensem should be withheld.[8] His stipend was withheld for twelve years[9] and yet he learnt no lesson and continued to contract new debts. In

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1 Cambridge History of India, Volume V, page 359.
2 Aitchison's Treaties, page 59.
3 India under Wellesley, P. E. Roberts, page 79.
4 *Idem*, page 89.
5 *Idem*, page 99.
6 Papers relating to the settlement of claims of Prince Azeem Jah, Volume I, pages 36–37.
7 *Idem*, pages 40, 83.
8 *Idem*, pages 39–40.
9 *Idem*, page 40.

1856 a Commission was appointed to enquire into his debts and settle them. In 1858 under Act XXX of that year a Receiver of Carnatic Properties was appointed with powers to collect and take possession of all the properties of the late Nawab and to hold the same until the debts incurred by him and by Prince Azeem Jah on his behalf could be cleared. Prince Azeem Jah's private debts were, however, expressly excluded from this Act. The Nawab's debts were mostly settled by about 1861 and the work of the Receiver of Carnatic Property was completed by 1880, when his post was abolished.[1] As to the private debts of Prince Azeem Jah, to the debts inc..rred by him on his own responsibility, a Commissioner to settle them was appointed in 1867, under Act III of that year,[2] and in 1868 the Prince was given, as has already been stated, a loan of 12 lakhs to liquidate them[3]. By 1873 the Commissioner settled all the claims and in 1874, upon the death of the Prince, the Government generously waived the sum of 7 lakhs of rupees still outstanding out of the loan of 12 lakhs.[4]

1 Despatch from England, dated 19th March 1856 in E.M.C., 332, dated 4th October 1856; G.Os. No. 349, Political dated 28th May 1858; No. 110, Political, dated 16th February 1859; No. 174, Political, dated 28th March 1861; No. 60, Political, dated 16th January 1869; No. 206, Political, dated 10th March 1857; Political Despatch to England, dated 21st January 1861; G.O. No. 93, Political, dated 4th March 1880.

2 G.O. No. 68, Political, dated 19th March 1867.

3 G.O. No. 248, Political, dated 14th November 1868.

4 G.Os. No. 258, Political, dated 22nd August 1871; No. 285, Political, dated 18th July 1873 and No. 110, Political, dated 13th March 1874.

NAWABS OF ARCOT.

MUHAMMAD ANWAR-UD-DIN-KHAN (1744–1749).

MUHAMMAD ALI
(Nawab Wallajah—1749–1795.)

(Shadi sons of Muhammad Ali)

- Umdut-ul-Umrah (1795–1800) Died on 15–7–1801.
  - Tajeel Umrah (Reputed son—died in 1803). *alias* Ali Hussain.
- Ameer-ul-Umrah.
  - Azeem-ud-Dowlah (1800–1819) Died on 2–8–1819.
    - (Shadi sons of Azeem-ud-Dowlah).
      - Azum Jah Bahadur (1819–1825) Died on 12–11–1825.
        - Ghulam Muhammad Ghous Khan Nawab (1825–1855) (Died on 7–10–1855 issueless).
      - Azeem Jah (1825–1842) (‘Naib-i-Mookhtar’).
      - Reishud-ul-Doulah.
- Seef-ul-Mulk.
- Hissam-ul-Mulk.
- Nasir-ul-Mulk.

PRINCES OF ARCOT.

AZEEM JAH.

Ameer-i-Arcot or Prince of Arcot
(1867–1874).

(Died on 14th January 1874.)

Zahir-ud-Dowlah (1874–1879) Died on 16-6-1879.	Intizam-ul-Mulk. (1879–1889) Died on 16-5-1889.	Umdut-ul-Mulk. Died in 1881.	Muazzaz-ud-Dowlah Died in 1884.
			Muhammad Munawar Ali (1889–1903) Died on 4-1-1903.
			Ghulam Muhammad Ali (1903–1952) Died on 17-7-1952.

NIZAM'S CLAIMS TO EXEMPTION FROM CUSTOMS DUTIES.

[Written in December 1938. It throws light on the claim put forward by the Nizam to exemption from customs duties at the port of Masulipatam, on the strength of the Hyderabad Commercial Treaty of 1802.]

A question has been raised as to what was meant by the phrase "free use of the Port" which occurs in the treaty concluded by the East India Company with the Nizam on 12th April 1802.[1] Did it mean that Masulipatam, the port referred to, was to be considered a free port for the goods imported by the Hyderabad State or did it merely mean that the Nizam and his subjects could trade at that port without let or hindrance? In other words, were the Nizam and his subjects or their agents made to pay the customs duties at the port?

A careful perusal of the treaty and all connected papers seems to show that the duties mentioned in the treaty, the import and export duties as they are called, were only land duties not sea customs. It must be remembered that prior to the passing of the Regulation XII of 1803, which abolished sayer duties in the Madras Presidency,[2] that at the time when the treaty was actually contemplated and concluded with the Nizam, the goods coming from or going into the Nizam's territories were subjected to innumerable rahdari or road duties (or sayer) at the different chowkies set up by the Government renters and the zamindars. Similarly the goods imported or exported by the British subjects were subjected to various high duties in the Nizam's dominions. The intention of Lord Wellesley, the author of the Commercial Treaty, was clearly to substitute in the place of these numerous, high, undefined duties, a few moderate stipulated duties, namely, the frontier duties, and thereby to facilitate and encourage the commercial intercourse between the two dominions. In November 1799, Lord Wellesley wrote to Captain Kirkpatrick, the Resident at Hyderabad, as follows:—

"All rahdari duties on goods passing to and from the respective territories of the contracting parties (meaning the Nizam and the Company) shall be abolished. No articles of merchandise shall pay duties more than once, and a proper tariff shall be established for the regulation of the single duties to be so levied; and a treaty of commerce shall be concluded between the two States on just and equitable principles of reciprocal interest and common benefit.[3]" In June 1800, he wrote to the Resident again that " my propositions

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[1] The Treaty copy No. 66-B from the Treaty Bundle; Political Consultation No. 16, dated 25th May 1802; Political Consultations Volume for the same; Aitchison Treaties, Volume VIII.

[2] Regulations Volume No. 1248.

[3] Wellesley's Despatches, Volume II, page 138.

will not only secure to His Highness a perfect reciprocity of advantages, but also the free use of a seaport and the protection of the British flag."[1]

It was on these lines that the treaty was negotiated and concluded by Captain Kirkpatrick in April 1802 with the Nizam.[2] The fixation of a proper tariff, the regulation of single export and import duties, the principle of reciprocity of interest and the concession of a free use of a seaport, all these find a place in the treaty.

The first Article of the treaty grants to the Nizam the "free use of the seaport of Masulipatam at which port His Highness shall be at liberty to establish a commercial factory." By the 2nd Article ships bearing the Nizam's flag are to be entitled to the protection of the British ships of war and "shall be admitted into all ports belonging to the British Government in India upon the footing of the most favoured nations." The 3rd and 4th Articles provide that there shall be a "free transit" between the territories of the contracting parties of all articles which are the produce or manufacture of each respectively, and that the ancient undefined sayer, i.e., rahdari or road duties shall be abolished. By the 5th Article a duty of 5 per cent and no more is to be levied at Hyderabad on all articles whatever imported from the Company's dominions. The 7th Article declares that the duties payable to the Company on articles imported into their territories from the Nizam's dominions shall be collected "in the mode prescribed by the 9th Article," i.e., at the rate of 5 per cent at Masulipatam alone or at any one or more places according to the convenience of the merchants belonging to the Nizam's dominions. The 8th Article grants the Nizam a duty of 5 per cent payable at Hyderabad on all commodities purchased in his dominions for exportation. The 10th Article prescribes that the favourable duties mentioned in the foregoing part of the treaty shall be extended only to the traders under both Governments and not to the merchants of foreign States.[3]

Soon after the conclusion of the treaty, the Supreme Government sent to the Madras Government a copy of the treaty along with all the important correspondence which took place about it with the Resident of Hyderabad.[4] If the free use of the port conceded to the Nizam carried with it an exemption from the payment of sea customs, this exemption would have been mentioned in this correspondence or at least in the several papers relating to the revision of the sea customs, which was undertaken soon after, during the period 1803–1812.[5] But the exemption is not mentioned

[1] Wellesley's Despatches, Volume II, page 297; Political Consultations No. 16 dated 25th May 1802, page 2.

[2] The correspondence relating to the Treaty in Political Consultations No. 16 dated 25th May 1802 and Political Consultations Volume No. 6, page 572 sqq.

[3] Page 330 *ante*.

[4] Political Consultations No. 16, dated 25th May 1802.

[5] The Regulation papers; Board's Consultations Nos. 29–30, dated 28th June 1803, etc., Masulipatam District Records, Volume No. 2961; E.M.C., dated 28th April 1814, page 227; Masulipatam District Records, Volume No. 2963; and Government of India's letter, dated 5th October 1815, page 31 sqq.

in either of them. Nor is it mentioned in the papers relating to the revision of the land customs and to certain enquiries directed by the Court of Directors and the Government on the working of the treaty.[1] These papers show that the frontier duties were ordered to be collected at the rates fixed by the treaty, and, incidentally, that no factory was established by the Nizam at the port of Masulipatam, and that, though the treaty made no specific provision for the imposition of frontier duties on the goods exported from the British territories to the Nizam's dominions, such duties were collected in accordance with the principle of reciprocity underlying the terms of the treaty. The inference is therefore obvious: the exemption from the sea customs does not seem to have been contemplated both when the treaty was concluded and when it was put into practice soon afterwards.

This conviction is strengthened by two important documents of about the same period (1) the letter of instructions written by the Supreme Government to the Resident,[2] and (2) the Minute of Lord William Bentinck, the Governor of Madras.[3] In the letter of instructions, dated 23rd December 1802, the Supreme Government wrote to the Resident that, though the Nizam was to be allowed to establish a factory at Masulipatam and to decide all civil cases arising within the limits of the factory, in all criminal cases and civil disputes between his subjects and those of the British traders the parties should be declared subject to the British courts of justice, and what is more to the point, "all exports and imports will be subject to the established duties at the port". The established duties at the port herein mentioned can only be construed to refer to the usual sea customs leviable at Masulipatam. This interpretation is not only in consonance with the general trend of the letter of instructions which, it may be noted, refer first to the factory to be established at the port and then to the duties to be levied at the port, but also in conformity with the established Regulations at that time which prescribe the imposition of import and export duties at Masulipatam and other subordinate ports.[4] And here it is worth remembering that it was not till 1803 that the import and export duties at the subordinate ports on goods imported or exported on British and American vessels and on the vessels of the British subjects and the Country Powers were abolished.[5]

The interpretation stated above receives additional support from certain observations recorded by Lord William Bentinck in 1806. In that year the Board of Revenue submitted a report to the Madras Government stressing the need of revising the customs

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1 Board's Consultations Nos. 6–7, dated 14th July 1804; No 3, dated 18th June 1804; Nos. 29–30, dated 26th November 1804; Nos. 32–33, dated 3rd December 1804; Nos. 11–12, dated 29th August 1808; No. 9, dated 12th September 1808; Nos. 25–27, dated 17th October 1808; No. 44, dated 27th October 1808 and No. 44, dated 7th November 1808.

2 E.M.C. No. 5, Political, dated 22nd February 1803.

3 Revenue Consultations No. 156, dated 20th August 1806.

4 Board's Miscellaneous Volume No. 203—*see* Consultations, dated 13th February 1837.

5 Regulation XI of 1803 in Regulation Volume.

and other Regulations established in 1803.[1] It was on this report that the Government ultimately passed Regulations in 1808, of which Regulation XV reimposed the customs duties on goods imported on British vessels and on the vessels of the Country Powers at the subordinate ports. In reviewing this report in 1806, Lord William Bentinck remarked thus:

"The question whether the goods imported by sea into the Company's territories which have already paid duties at any of the other Presidencies or in any part of the Company's possessions shall be allowed a drawback if ultimately conveyed into the Nizam's territories is involved in some doubt. At the same time I am of opinion that the clause which declares the levy of the frontier duty only had reference to the land duties, to those of transit and towns. The importation by sea would not have been in the contemplation of the Nizam. The frontier formed by the sea coast bears the same relation to our territories as the frontier of the Mahrattas to those of the Nizam. Cotton, for example, produced in the Berar country would be obliged to pay twice the frontier duty in its passage into and out of the Nizam's territories. In this case Berar cotton is to the Nizam's territories as a frontier produce and I should not consider the levy of a double duty as any violation of the treaty. In the same way, the imports by sea quoad this country stand also in the light of foreign merchandise and come not within the restriction of the treaty. At the same time I am of opinion that merchandise coming from the Nizam's country and having paid a frontier duty should not be liable to an export or sea duty. Upon the whole it does not appear to me necessary that any alteration should be made in the Hyderabad Commercial Treaty.[2]"

This passage makes it evident that, though Lord William Bentinck held that the goods exported from the Nizam's dominions which had already paid a frontier duty should not be charged again with the export sea duty, he considered that the goods imported by the Hyderabad State should be charged with the import duties and that this involved no violation of the terms of the Commercial Treaty with the Nizam. And in the absence of any statement in the Regulation subsequently passed (Regulation XV of 1808[3]) or in the papers leading up to it, to the effect that the import duties should not be collected in the case of goods imported by the Hyderabad State, the presumption is that such duties were levied in accordance with the Regulation at 6 per cent on all goods imported on British and American vessels and on the vessels of British subjects or of the subjects of the Country Powers. This presumption that, if it was intended at all to exempt the goods imported by the Hyderabad State from customs

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[1] Board's Consultations Nos. 24–25, dated 5th May 1806. Board's Consultations, Volume No. 425, page 252 sqq.; Revenue Consultations dated 20th August 1806; Revenue Consultations Volume No. 150, page 1756 sqq.; Revenue Consultations, dated 27th October 1806 in Revenue Consultations Volume No. 152.

[2] Revenue Consultations No. 156, dated 22nd August 1806.

[3] The Regulation Volume Nos. 1253–1254.

duties, such exemption would have been naturally mentioned in the Regulation establishing the sea customs duties, is validated by the fact that the Land Customs Regulations passed both in 1803 and 1808 make specific mention of the Hyderabad Commercial Treaty and prescribe the levy of only such of the duties as were fixed by that treaty.[1]

A careful reading of the treaty along with the Regulations also leads us to the same conclusion. It will be recollected that only the first two Articles of the treaty relate to the seaport of Masulipatam, referring, as they do, to the free use of it granted to the Nizam, the factory to be established by him thither, the protection to be granted and the most favoured nation treatment to be accorded there to the ships bearing his flag. The rest of the Articles relate exclusively to the frontier duties or land customs. It is therefore not unreasonable to expect that, if any exemption from sea customs was granted, such an exemption should find a place in the first two Articles of the treaty, And, if in these Articles we interpret the phrase " free use of the Port " to mean a free port, a port in which no duties could be charged on the goods imported or exported by the Hyderabad State, we cannot reconcile this interpretation of the phrase with the other more familiar clause in the same Articles that the ships bearing the Nizam's flag " shall be admitted into all the ports belonging to the British Government in India upon the footing of the most favoured nations." For, without doubt the most favoured nation treatment never implied any exemption from customs duties. To establish the truth of this statement, it is enough if we delve into the history of about the same period. In 1794 and 1810, Great Britain, we know, entered into commercial treaties with the United States of America and Portugal respectively, and granted them the most favoured nation treatment.[2] But this did not, by any means, exempt the Americans and the Portuguese trading at the ports in the British Dominions from the payment of the established customs duties. So far as the Madras Presidency was concerned, by the Regulation IX of 1803 goods imported at the port of Madras on American vessels were charged with a duty at the rate of 6 per cent on their value, the same rate as was charged on the goods imported on British vessels[3]. By Regulation XV of 1808 the goods imported on British and American vessels at the subordinate ports, which were declared free of duty in 1803, were subjected to a duty of 6 per cent.[4] And by Regulation IV of 1812, all goods imported or exported on Portuguese vessels were declared " subject in all respects to the same duties as are levied on import and export on British vessels.[5]" All this definitely goes to show that the most favoured nation treatment conferred only a limitation to moderate duties, the same

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1 Regulation XII of 1803, Section 17 : Regulation XV of 1808, Section 14.
2 Regulation IX of 1803, Section VII : Hansard, Volume XXV, 1813, Appendix XXXVIII; Hertslet Treaties, Volume II, page 27.
3 Regulation IX of 1803, Sections 6 and 7.
4 Regulation XV of 1808, Section 8.
5 Regulation II of 1812, Section 8.

as those charged on the goods imported and exported on British vessels and not an exemption from the payment of such duties. If it is remembered that the foreigners (excepting the Americans and the Portuguese) were, at the same time, charged with higher duties and in some cases at double the rates fixed for the most favoured nations,[1] the benefits conferred by the phrase "most favoured nation treatment" become perfectly obvious.

It may be objected that, if it was ever the intention to charge customs duties on goods imported or exported on vessels bearing the Nizam's flag, which were given the most favoured nation treatment, the fact that such duties would be levied would have been specifically mentioned in the Customs Regulations, in the same way as in the case of the American and Portuguese vessels. Indeed, no such specific mention is made in the Sea Customs Regulations. But, in these Regulations, it is important to notice that such vessels are included in the category of the vessels "subject to the Native Powers of Asia."[2] The Nizam was only one of the Native Powers of Asia, and there is no reason why the ships bearing his flag alone should have been particularly mentioned in the Regulations when they fix the duties on the goods conveyed on the vessels of all Country Powers, including the Nizam, at a moderate and most favoured nation rate. The import and export duties on the goods conveyed in such vessels were fixed at the rates leviable on goods conveyed in British vessels and in the vessels of British subjects.[3]

We may now examine two isolated instances which, occurring as they did soon after the conclusion of the Commercial Treaty, might be erroneously cited to show that the goods imported by the Hyderabad State at the port of Masulipatam were exempted from the payment of the sea customs duties. The first instance occurred in 1806[4] and the second in 1808.[5] Both, however, really prove nothing but that they were special exemptions granted to the Nizam and his Ministers, similar to those that were then granted to the Nawab of Arcot, the Raja of Tanjore and even to some of the zamindars.[6] And both seem to refer not to the sea but to the land customs, the town and frontier duties which were then collected. In the first case the Government of Madras instructed the Board of Revenue in 1806 that certain goods belonging to Meer Allum, the Minister of the Nizam, which had been detained at

1 Regulation IX of 1803, Sections 6, 7 and 8; Regulation XI of 1803, Sections 6 and 7; Regulation II of 1812, Sections 10 and 11; Regulation IV of 1812, Section 5.

2 Regulation IX of 1803, Section 6; Regulation XI of 1803, Section 7; Regulation XV of 1808, Section 8; Regulation II of 1812, Sections 2, 7, 10, 11 and 13.

3 Regulation II of 1812, Sections 2, 7, 10, 11 and 13.

4 Board's Consultations Nos. 1–2, dated 19th May 1806; No. 3, dated 22nd May 1806; Nos. 17–18, dated 21st July 1806; No. 9, dated 1st September 1806 and Nos. 4–5, dated 17th November 1806.

5 Board's (Sea Customs) Consultations Nos. 5–6, dated 2nd May 1808; No. 2 dated 16th May 1808 in Board's (Sea Customs) Consultations Volume (1808), No. 4, pages 162–164.

6 Board's Consultations No. 2, dated 22nd December 1808; Nos. 11–12, dated 29th August 1811; No. 5, dated 28th August 1809 and Nos. 23–24, dated 24th August 1809.

Masulipatam "in consequence of a demand for the payment of the usual duties" might be exempted from duties and released. In the second instance, the Supreme Government wrote to the Madras Government that the Nizam had purchased some goods to the value of Rs. 2 lakhs at Benares, that for these the Governor-General in Council had granted special exemption from duties, but that, part of them having been unexpectedly transhipped to Masulipatam it was the desire of the Governor-General in Council that they might be allowed to pass "without paying the usual duties". The question therefore arises what was meant by these "usual duties" leviable at Masulipatam in 1806 and in May 1808 when the two incidents occurred. As the sea customs duties on goods imported at the subordinate ports, including Masulipatam, on British vessels and on the vessels of the subjects of the Native Powers of Asia abolished in 1803 by Regulation XI of 1803 were not revived till September 1808[1], the answer is that the "usual duties" referred to must have been land duties, the frontier and town duties prescribed by the Commercial Treaty and Regulation XII of 1803.

Even supposing for argument that the "usual duties" were meant to refer to the sea customs—which indeed could not have been the case because of the non-existence of any Regulation save in the case of foreign vessels, prescribing the levy of such duties in 1806 and in May 1808 at Masulipatam—the exemption from such duties specially granted to the Nizam and his Ministers cannot be considered as applicable to the Nizam's subjects, the inhabitants of the Hyderabad State. And even in the case of the Nizam and his Ministers, the very fact that the exemption granted was special appears to indicate that the Commercial Treaty gave them no general exemption from the payment of the customs duties. It may be remarked here that the special exemption granted in May 1808 was not followed up by any general instructions either to the Board of Revenue or to the Collectors to pass the Nizam's goods free of the sea customs duty. If any such general instructions were issued soon afterwards, they could have been issued only after September 1808, i.e., after the passing of the Regulation XV of 1808 which imposed such duties, and would have been incorporated in the Regulation II of 1812.

The land and sea customs duties fixed by the earlier Regulations were, with some modifications, continued to be collected until 1844. Act VI of 1844 abolished the inland customs duties (which then principally consisted of town duties) and revised the sea customs and frontier duties.[2] It fixed certain rates for the levy of import and export sea customs duties on British and foreign bottoms in schedules A and B of the Act and ordered that rates fixed for import and export on foreign bottoms at British ports should be collected on "goods passing by land or out of Foreign European Settlements[3]." It empowered the Governor in Council of Fort St. George to

[1] Regulation XV of 1808.
[2] Clarke's Regulations and Acts, No. 818, page 712 sqq.
[3] *Idem*, Sections 4, 5 and 6.

declare by notification in the Gazette the territory of any Native Chief beyond the jurisdiction of the Company's courts and civil authorities to be foreign territory (Section VII). And it enacted that "all goods imported by sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section VII of this Act to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule A on imports on foreign bottoms."[1] In accordance with the spirit of this Act we learn that Hyderabad along with other Native States was declared to be foreign territory.[2] We also learn that the Resident of Hyderabad objected to the rates of duties fixed by the schedules as being inconsistent with the Commercial Treaty of 1802, and that the Government of India finally ordered that as regards the frontier duties relating to the Hyderabad State, where the rates fixed by the schedules of the Act were in excess of the rates fixed by the treaty, the latter rate might be levied, and where the rates fixed by the schedules were lower than the rates fixed by the treaty, the former rates might be imposed.[3] None, however, of the papers relating either to the introduction or to the working of this Act[4] speak of any exemption from the payment of sea customs duties in the case of goods imported or exported by the Hyderabad State. On the contrary, there is a paper which seems to show that such goods were not exempted from import duties by sea. In 1847, in complying with a requisition from the Resident of Hyderabad for all existing customs rules of the Madras Presidency, the Board observed that "goods which have paid sea import duty are exempted from further demand on account of frontier duty if covered by a certificate from the Collector of Sea Customs; if not accompanied by such a document, frontier duty is levied."[5] This observation seems to imply that the Board considered that there was nothing in the Commercial Treaty of 1802 which precluded them from collecting the sea customs duty on goods which might be imported into the Nizam's territory.

In the light of all this information, the statement made by the Collector of Kistna and supported by the Board of Revenue and the Madras Government in 1873 "that Masulipatam was never considered a free port for the goods intended for Hyderabad" appears to be correct.[6] The Collector also seems to be correct in his observation that "when considering the terms of the treaty of 1802 with reference to the Act VI of 1844 the only question was about the amount of frontier duties to be levied and that the sea

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[1] Clarke's Regulations, Section 16.

[2] Board's Consultations Nos. 15–16, dated 8th July 1844; E.M.C. Nos 3–4, Political, dated 23rd April 1844 and Nos. 6–7, Political, dated 9th July 1844.

[3] *Idem.*

[4] The Collection of papers relating to Act VI of 1844.

[5] Board's Consultations Nos. 1–3, dated 15th March 1847.

[6] G.Os. No. 230, Political, dated 31st May 1873; No. 231, Political, dated 31st May 1873; No. 232, Political, dated 31st May 1873 and the Collector's letter, dated 30th April 1873, paragraph 2.

customs duty was passed over altogether as a matter about which there could be no question."[1] He is, however, wrong in his assumption that up to 1844 the goods imported on certain vessels and among them those of the Nizam were not chargeable with duty, "as by Regulation IX of 1803 they were considered to be British bottoms and so exempt from import duty."[2] For, it must be noted that Regulation IX of 1803 was repealed by Regulation XV of 1808 and subsequent Regulations which imposed the sea customs duties on goods imported on all vessels, including the British, at all subordinate ports of the Madras Presidency. His assumption, however, does not seem to affect his main contention that "the free use of the port given in Article I cannot be taken to mean more than a permission to His Highness to make use of the port without let or hindrance—a permission which is extended in Article II to all ships carrying His Highness's flag."[3] The Board supported this view[4] and the Madras Government endorsed it with a remark that "neither the terms of the Commercial Treaty of 1802 with His Highness the Nizam nor the practice under it for the past 70 years afford any grounds for the assumption in Messrs. Smith Fleming and Company's letter (which was referred for remarks by the Secretary of State) that Masulipatam was by that treaty made a free port for goods intended for consumption in the Hyderabad State."[5]

The same view was expressed in perhaps stronger terms by the Government of India in 1873, on a reference made by Messrs. W. Nicol and Company, Bombay. The Government of India said that, ever since the conclusion of the Treaty of 1802, "no remission of duty has been claimed or granted on goods landed in Masulipatam for consumption in the Nizam's dominions"; that there was nothing in the treaty to indicate that Masulipatam was a free port for goods imported into Hyderabad under Article I: that only a free use of the port with liberty to establish a commercial factory at Masulipatam was granted to the Nizam; that this concession "does not constitute Masulipatam a free port, nor does it apply to commercial companies or private individuals," and therefore goods imported at Masulipatam "can command no advantage above those landed at any other port in India."[6]

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1 Collector's letter, dated 30th April 1873, paragraph 3.
2 *Idem*, paragraph 3.
3 *Idem*, paragraph 4.
4 B.P. No. 502, dated 1st April 1873.
5 G.O. No. 230, Political, dated 31st May 1873.
6 G.O. No. 332, Political, dated 15th August 1873.

SIR CHARLES TREVELYAN, GOVERNOR OF MADRAS (1859-1860).

[This Memoir was written in October 1946. It shows what an able, energetic and capable administrator Sir Charles Trevelyan was, but withal how he fell into the bad books of the higher authorities and was recalled.]

No Governor of Madras accomplished so much in so short a term of office as Sir Charles Trevelyan. He was Governor for barely fourteen months, but within this brief period there was hardly any important department of administration which he did not improve or seek to improve. Possessed of previous knowledge and experience in Indian affairs, endowed with a character at once bold and energetic and equipped with an outlook most liberal on all questions affecting the welfare of the people, he could not but be expected to leave a lasting impression on the administration committed to his charge. His masterful knowledge of details, his quick grasp, his robust style, his pre-eminent celerity of expression, his amiable manners and, above all, his immense capacity for work, his driving power and his ability in selecting, encouraging and setting all officers to turn out the best of what work they could give, infused no little strength in all branches of public administration.

His antecedents, before he became Governor, served him well to shoulder his high responsibilities. Born in a cultured family of a clergyman, the Archdeacon of Taunton, on 2nd April 1807 and educated in the famous Grammar School at Charterhouse and at Haileybury, he entered the East India Company's Bengal Civil Service as a writer in 1826 and soon rose to important positions of trust, exhibiting, as he did, high abilities, a strict sense of duty and a great proficiency in Indian languages. In 1827 he was appointed assistant to Sir Charles (afterwards, Lord) Metcalfe, the energetic Commissioner of Delhi, and was entrusted by him with the conduct of several important missions.[1] In 1828-1829, when only twenty-one years of age, he showed his high sense of duty, his honesty and his fearlessness by publicly exposing the bribery and corruption of his own superior officer, Sir Edward Colebrooke, the new Commissioner of Delhi.[2] For a time a perfect storm was raised against him; "he was almost everywhere accused and very generally cut."[3] But with a firmness and ability rarely seen in young men, he weathered the storm, fully made out his case, proved it before a commission of enquiry, got Colebrooke dismissed from service and earned for himself the approbation of Lord William Bentinck, the Governor-General, and his Council. The Government warmly applauded

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1 Dictionary of National Biography, Volume XIX, page 1135.

2 Papers transmitted from India by C.E. Trevelyan, 1830.

3 Macaulay's Life and Letters by G.O. Trevelyan (Popular Edition), page 278.

his sense of duty thus: "The Governor-General in Council avails himself of this opportunity of recording his high opinion of the character and conduct of Mr. Trevelyan who has ably, honourably and manfully discharged his duty as a public servant and by his zealous and unremitting exertions in the performance of a most painful and invidious task, has justly entitled himself to the warm approbation of Government."[1]

From this time Lord William Bentinck marked him out "as a man likely to rise to the very top of the service." Indeed, Lord William, a man who made no favourites, always gave to Trevelyan "the strongest marks, not of a blind partiality, but of a thoroughly well-grounded and discriminating esteem."[2] His services at Delhi were soon cut short by his appointment as guardian to the youthful Raja of Bharatpur. But before he left Delhi, he contributed from his own funds a sufficient sum to make a broad street through a narrow suburb, then in course of erection, which thenceforth became known as Trevelyanpur. As guardian to the Raja of Bharatpur, he devoted himself much to improving the condition of the people.[3] He was then appointed as Under Secretary to the Foreign Department to the Government of India at Calcutta and, in that capacity, commissioned to report on the operation of the transit duties by which the whole internal trade of India had long been fettered. Shortly afterwards he submitted a report on the subject which was pronounced by no less a man than Lord Macaulay, who was then the Legal Member of the Governor-General's Council, as "a perfect masterpiece of its kind." Macaulay avowed: "Accustomed as I have been to public affairs, I have never read an abler State paper: and I do not believe that there is, I will not say in India, but in England, another man of twenty-seven who could have written it."[4] It was this report of his, more than anything else, which eventually led to the abolition of the transit duties and secured for him the special thanks of Lord William Bentinck and his Council.[5]

In 1834, he married Hannah Moore, Macaulay's sister, at Calcutta and became one of Macaulay's most trusted friends. A letter written by Macaulay to his other sister, Margaret, in England, in the same year shows him as a remarkable person, full of the burning enthusiasm of an ardent reformer."[6] Macaulay wrote: "Trevelyan is a most stormy reformer. Lord William said to me before anyone had observed Trevelyan's attention to Nancy (Hannah Moore): 'That man is almost always on the right side in every question; and it is well that he is so, for he gives a most confounded deal of trouble when he happens to take

1 Papers transmitted from India by C.E. Trevelyan, 1830, page 143.
2 Macaulay's Life and Letters by G.O. Trevelyan, page 278.
3 Dictionary of National Biography, Volume XIX, page 1135.
4 Macaulay's Life and Letters by G.O. Trevelyan, page 278.
5 Dictionary of National Biography, Volume XIX, page 1135.
6 Macaulay's Life and Letters by G.O. Trevelyan, pages 277-280 and Dictionary of National Biography, Volume XIX, page 1135.

the wrong one.' He is quite at the head of that active party among the younger servants of the Company who take the side of improvement. In particular, he is the soul of every scheme for diffusing education among the natives of this country. His reading has been very confined; but to the little he has read he has brought a mind as active and restless as Lord Brougham's and much more judicious and honest . . . As to his person, he always looked like a gentleman, particulary on horseback. He is very active and athletic, and is renowned as a great master in the most exciting and perilous of field sports, the spearing of wild boars. His face has a most characteristic expression of ardour and impetuosity, which makes his countenance very interesting to me . . . He has no small talk. His mind is full of schemes of moral and political improvement and his zeal boils over in his talk. His topics, even in courtship, are steam navigation, the education of the natives, the equalization of the sugar duties, the substitution of the Roman for the Arabic alphabet in the Oriental languages."[1] It is well to note that about this time he threw himself zealously in the cause of education and that it was largely owing to his eagerness and persistence that in 1835 the Government of Lord William Bentinck were led to decide in favour of the promulgation of European literature and science among the people of India. In 1836 he became the Secretary to the Board of Revenue and in 1838 he left India for England.[2]

What he did in England was not less useful than what he did in India. Here he served for nineteen years (1840–59)[3] as the permanent head of the British Treasury and switched on his energies to an altogether new and important sphere of public life. It would appear that his abilities were recognized and his services were appreciated by Conservatives and Liberals alike though for a time he fell under the severe displeasure of both because of his too progressive ideas. He rendered signal service in the administration of relief works in Ireland, in the revision of Army expenditure and in the reorganization of the Home Civil Service. In 1848, he was made a K.C.B. in reward of his services.[4] In 1852, Disraeli, his political boss—Chancellor of the Exchequer in Lord Derby's Cabinet—called him one "of the masters of administration"[5] and handsomely acknowledged his able services at the Treasury.[6] In 1853, Gladstone—the new Chancellor of the Exchequer in Lord Aberdeen's Cabinet—appointed him as one of the Civil Service Commissioners (the other one being Sir Stafford Northcote) to suggest a scheme for the reorganization of the public services. He then submitted a report recommending a comprehensive revision of all public departments and the introduction of a scheme of open competition

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1 Macaulay's Life and Letters by G.O. Trevelyan, pages 278–279.
2 Dictionary of National Biography, Volume XIX, page 1135.
3 *Idem*, page 1135.
4 *Idem*, page 1135.
5 Life of Disraeli by Monypenny and Buckle, Volume I, page 1432.
6 *Idem*, pages 1266–1267.

in the Home Civil Service.[1] Gladstone alone in the Cabinet upheld his plan.[2] For, it soon became evident that very few of the leading politicians had their hearts in the matter. It was one thing for them to deprive the East India Company's Directors of their patronage and quite another to surrender their own. The outcry of the dispensers and expectants of public employment became so loud and fierce that for a time it looked as if the great reform would have to be shelved for ever.[3]

On 4th March 1854, Macaulay, who had by then returned to England and become a leading Liberal, wrote: "I went to Brooks's and found everybody open-mouthed, I am sorry to say, against Trevelyan's plans about the Civil Service. He has been too sanguine. The pear is not ripe. I always thought so. The time will come, but it is not come yet. I am afraid he will be much mortified."[4] And, indeed, he was much mortified; for, his career was seriously threatened by the hostility of some of the most powerful men of the day. Clouds of hate suddenly gathered thick around him. Macaulay, who was in the know of things, felt the extreme gravity of the situation and became very uneasy on his brother-in-law's account. But Trevelyan did not lose his courage or composure. As his son, Sir George Otto Trevelyan, puts it: "Accustomed according to the frequent fate of permanent officials to be pushed into the front in the moment of jeopardy and thrust into the rear in the moment of triumph, he had weathered more formidable storms than that which was now growing and blustering through all the clubs and board rooms between Piccadilly and Parliament Street."[5] He weathered this storm also with a conscience which assured him that he was in the right. And right he was proved to be in his own life time. For, the cause for which he fought slowly but surely won the day. From 1855 onwards open competition came to be introduced into Whitehall by slow degrees, a subject of acute controversy at every stage, until, at length, in 1870 Gladstone boldly introduced it as the only passport for entry into the Home Civil Service.[6] In the meantime he worked as usual with zest and vigour. He also took a keen interest in Indian affairs, published a book containing a series of articles he had written to "*The Times*" on India with the signature of Indophilus and attracted the attention of the India Office.[7] In 1858, Lord Harris resigned the Governorship of Madras. Shortly after, Disraeli wrote to Lord Stanley, the Secretary of State for India: "What do you think of Sir Charles Trevelyan for Madras?

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1 Dictionary of National Biography, Volume XIX, page 1135.

2 Life and Letters of Lord Macaulay by G.O. Trevelyan, page 611.

3 *Idem*, pages 611–612.

4 *Idem*, page 612.

5 *Idem*, page 612.

6 British History in the Nineteenth Century, 1782–1901 by G. M. Trevelyan, page 357.

7 Dictionary of National Biography, Volume XIX, page 1136.

It strikes me that it would be an efficient and popular appointment."[1] The appointment was instanly offered to Trevelyan and he accepted it and sailed for India.

Sir Charles landed in Madras on 28th March 1859[2] and exactly a year afterwards his wife and daughter came and joined him. He won the hearts of the citizens by organizing a grand public *fete*[3] and by inviting all the *elite* of the city at frequent Government House Darbars conducted in an atmosphere of cordiality, politeness and freedom. Hitherto these Darbars had been held only very occasionally and had been confined only to a handful of officials. From now onwards they came to be organized once a month attended by officials and non-officials alike, by Europeans, Anglo-Indians, Hindus and Muslims, and appreciated greatly by all for the opportunities which they afforded for a free informal interchange of views and ideas affecting the welfare of society. Presided, as they now were, for the first time during the last ten years, by a lady, they evoked peculiar gratitude and affection among all classes of public men.[4]

The citizens of Madras specially liked Trevelyan not only for this but also for all that he did to beautify and ennoble Madras. He had a fine sense of beauty and a sound sense of civic amenities. It was he who pulled down the straggling, ugly, century-old, Black-town rampart shutting out from the south that suburb from the rest of Madras and converted the esplanade beyond the Cooum canal into what is now known as the People's Park. The laying out of this Park he entrusted to a committee consisting of men of taste and judgment and under their supervision the work was pushed through and completed in a short time, to the delight of all the citizens.[5] It was again he who cleared the Government House grounds of the neglected thick overgrowth of shrubs and woods, demolished the high walls separating these grounds from the grounds of the Chepauk Palace and threw open both grounds to form an extensive public park for recreation, open to the sea.[6] Above all, it was he who conceived the idea for the first time of establishing a broad-based Municipal Corporation for the city.

He felt that the existing few official Municipal Councillors of Madras should be speedily replaced by a Municipal Corporation consisting of the representatives of the people to deal with the urgent and vital problems connected with water-supply, sewage and sanitation. He proposed that Madras should be divided into convenient municipal divisions; that in each division the rate-payers should be asked to elect some persons out of whom the Government should nominate one to sit in the Municipal Council; that the Council so constituted should be vested with all the powers possessed by the existing Municipal Councillors and asked to

1 Life of Disraeli by Monypenny and Buckle, Volume I, page 1576.
2 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, page 4.
3 Addresses to Trevelyan and Replies thereto, 1860, page 11.
4 *Idem*, pages 3, 22 and 36.
5 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, page 49.
6 *Idem*, pages 51–52.

proceed forthwith to consider the best mode of providing for water-supply and sewage and to borrow on the security of the rates whatever sum that might be required for the purpose. He looked to such an interim arrangement as well fitted to lead the way to the establishment of direct municipal institutions at Madras. He said: "Judging from what I have observed of this community I think the Councillors might with advantage be elected by the rate-payers; but in the establishment of new institutions a premature step is, above all things, to be avoided and the intermediate stage which I have described ought, therefore, to be first gone through." He thought that the experience gained after some time would "furnish a solid basis for the final settlement of the Municipal Constitution of Madras." He, indeed, envisaged a Municipal Constitution of Madras similar to the Municipal Constitution of London.[1]

Trevelyan having secured the consent of the Government of India for his scheme, a public meeting was held at Madras early in 1860, at which resolutions were passed declaring the necessity of improved sanitary arrangements and better water-supply at Madras and the expediency of effecting these improvements by means of a Municipal Corporation. The meeting also appointed a committee for the purpose of taking the necessary measures to give effect to the resolutions.[2] And, though this scheme propounded by Trevelyan bore fruit years later in a somewhat different form, it must be said to his credit that he saw the urgency of the two fundamental requirements of Madras—water-supply and sanitation—within a few months of his arrival there and strove his best to supply them by encouraging the establishment of a broad-based popular Municipal Corporation. With a view to promoting municipal institutions not only in Madras but also in all other Provincial towns of sufficient importance, most of which he knew by personal inspection were in need of water-supply, sanitation, roads, dispensaries and schools, he passed a Government Resolution in June 1859 to the effect that wherever any town might raise any sum for useful local improvements, the Government would grant an equal sum in aid of such contribution.[3]

Another reform which Trevelyan contemplated ahead of his times and which breathes a genuine liberal spirit in its conception was in the judicial administration of the Province. He strove to combine the two systems of Courts then existing, the Queen's and the Company's Courts, i.e., the Supreme Court and the Sadr Diwani and Faujdari Adalat into a High Court. The subject of such amalgamation generally had been a matter of deliberation by a committee in England, but both this committee and the Government of India had recommended no change for the time being at Madras. Trevelyan felt that the time had come for the change. Within a month

[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 60–62.
[2] *Idem*, page 63.
[3] *Idem*, page 63.

of his arrival, therefore (on 25th April 1859), after conferring with those most competent to give an opinion on the subject, he proposed the formation of a small commission to prepare a statement of the arrangements most proper for effecting the union of the Supreme and the Sadr Courts and the remodelling of the Subordinate (Provincial) Courts.[1] In proposing the formation of this commission he observed: "The key to the settlement of this question (the establishment of a proper system of judicature) is the consolidation of the Supreme and Sadr Courts into a single High Court and the establishment of Provincial Courts of sufficient authority to protect the natives on the one hand, and on the other, to secure European settlers, especially in criminal proceedings, against the consequences of the perjury and fraud which are unfortunately too rife in this country. All our hopes of improvement for India depend upon the satisfactory attainment of this object. Although what were the East India Company's Courts are now as much Her Majesty's Court as the Supreme Court itself (the Crown having displaced the Company), the old antagonism arising from the separate and often conflicting jurisdiction remains—and, instead of learning and independence and admirable activity in the discharge of accepted duty, of the English Bench and Bar, being brought to the aid of the intimate acquaintance with local interests possessed by the officers of the Indian Governments, the powers of both are exhausted in mutual disparagement. When a combined homogeneous system shall once be established, every portion of the community, European and native, will be equally interested in its improvement."[2]

The commissioners who were appointed in consequence submitted their report in January 1860, reviewing the existing evils and suggesting how best they could be removed by amalgamation. Trevelyan then recorded a Minute agreeing with most of their recommendations but objecting strongly, it is interesting to note, to their proposals to confine the High Court Bench exclusively to Europeans and the High Court Bar exclusively to barristers. His principle of recognition of merit alone as the sole criterion in public service and his innate sense of justice and fair play revolted against these proposals. And this is what he said: "In the 34th Section of their report the commissioners propose to exclude persons belonging to the Uncovenanted Judicial Service and vakils, from the persons from whom the Members of the High Court may be selected; and in Section 161 they recommended that the highest seat in the Zilla Courts should invariably be held by a European. I concur in opinion with the commissioners, that, in every arrangement, the efficiency and character of the court should alone be considered; and that the elevation of a man simply because he is of a particular class or creed, so far from conciliating the confidence of the people, would be very repugnant to their feelings. But, in order that the right course may be held on this important point,

[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 11–12.
[2] G.O. Nos. 569–570, Judicial, dated 27th April 1859.

it is not necessary that whole classes of people should be declared ineligible. There is positive evil in such exclusion. It nourishes class antipathies; and injures at once the State and the individuals, by depriving the public of the services of the ablest men, preventing wholesome competition, and unduly exalting some, without reference to their personal merits, and depressing others. There is no such superfluity of professional ability in the Judicial Department in India, that we can afford to forego the aid of a person of proved fitness, to whatever class or creed he may belong; and this branch of the public service is one in which there is no special objection to a relaxation of the old restrictions . . . The commissioners are divided in opinion in regard to the eligibility of persons to be practitioners of the High Court. At present barristers, attorneys and vakils plead before the Sadr Court, while barristers have exclusive audience before the Supreme Court. It is quite true that, as a general rule, business is better done by a division of labour; and I hold in the strongest manner the opinion that the resort of competent men from England, willing to devote their lives to the practice of the legal profession in this country, is a great public advantage. But, on the other hand, it would be hard to deprive the natives of the privilege which they have long enjoyed, of employing a cheap and rapidly improving though still generally less efficient, description of agency; and I am confident that English barristers do not require exclusive privileges to enable them to maintain their position. They are employed now by all who can afford it and will continue to be so. The same objections exist to this limitation, as to that proposed in reference to eligibility for the Bench. We cannot afford the weakness consequent upon social heart-burnings. We want, for the improvement of all, the wholesome influence of competition. A Native Bar will be gradually formed, but it will be following the lead and imitating the example of our English barristers."[1]

It is also very interesting to see what he had to say about the importance of a learned Bench and an equally learned Bar for the High Court. He stressed the need for securing a special professional training for the Judges of the High Court, both European and Indian. A foundation for a similar purpose, he pointed out, had been laid in England by requiring the selected candidates to pass a special examination in jurisprudence and to attend and observe the practice of the courts. He therefore concurred with all the recommendations made by the commissioners with the object of strengthening the Bench. He concurred with their recommendation that the office of the Registrar of the Zilla Courts should be re-established in order to afford to the judicial branch of the Covenanted Civil Service that training which they could not obtain by practice at the Bar and also in order to relieve the Courts from the mass of ministerial work which the Judges were called upon to perform. He concurred with their most useful recommendation that the young civilians who wished to qualify themselves

[1] G.O. No. 109, Judicial, dated 30th January 1860, pages 1–2.

for the judicial line should be required to qualify themselves as graduates in law at the Madras University, to attend then to the practice of the High Court and to serve next for three years in the Revenue Department where they could obtain a useful knowledge of the systems of land tenure and of the manners, customs and feelings of the people and besides gain an insight into magisterial duties. He concurred also with their recommendation that the members of the "Home Bar" who sought practice here ought to make themselves acquainted with the language, manners and feelings of the people.[1] And he expressed his strong views about the need for an efficient Bar thus: "My experience has given me a strong impression of the importance of an independent professionally educated Bar. To my mind, it is as essential an element of well-constituted judicial system as the Bench itself. The Bench cannot be efficient without it. Judges require to be stimulated and instructed like other men. I have seen much of the class of young English barristers: and I do not go too far when I say that English society owes much of its present vitality to their energy and intelligence, their high spirit and their various accomplishments . . . There will be no effectual application of English character to the improvement of the Indian Judicial system so long as English agency is limited to the Bench. The Bar, which is a stronger motive power, must come to our aid, and the barristers must be encouraged by a share of appointments to the most deserving."[1]

The Minutes of Trevelyan and the report of the commissioners were, in accordance with the instructions of the Secretary of State, transmitted for the consideration of the Government of India[2] and it would seem that it was largely owing to this pressure exerted by Trevelyan that the High Court came to be established so early as 1862. The appointment of Indian Judges to the High Court and the District Courts and some of the other measures he suggested, took, however, many years to fruition. But the very fact that they fruitioned redounds not a little to his credit.

It was, however, in Revenue administration that Trevelyan carried out immediately reforms which greatly enhanced his credit. To-day, when the very ideas of possession and property are assailed, when substantial inamdars are considered rather a curse than a blessing to society and the problem has been how best to eliminate them, the inam operations which he inaugurated and which were completed successfully within a short time may come in for criticism. But in his days, when inamdars were not so substantial, when thousands of them held lands of doubtful legal validity, when most of them felt that any day they could be suddenly deprived of all that they possessed under Regulation XXXI of 1802 and the Inam Rules of 1847, everything that he did to investigate the inams,

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1 G.O. No. 109, Judicial, dated 30th January 1860, page 2.

2 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, page 13.

to convert them into freeholds and to redeem them must certainly be considered to have contributed much to the public good. He converted thousands of inams scattered all over the Province into secure, saleable and valuable properties and thereby directly promoted the agricultural wealth of the country. And he, it should be remembered, at the same time, at once attached the inamdars, who constituted the rising middle class, firmly to the Government. The political value of this measure, coming as it did, close on the heels of the Indian Mutiny, must undoubtedly have been incalculable.

Within two months of his arrival he tackled this question in a manner which showed unmistakably his good sense and a thorough grasp of the essentials of a highly complicated system. On 13th May 1859 he recorded a masterly Minute tracing the history of Inam legislation, pointing out its defects and suggesting remedies which instantly appeared to be sound and convincing.[1] The inams involved a million of sterling of annual revenue and constituted three classes, religious, charitable and personal, all classes characterized by the small size of individual holdings and a general absence of grants from the former sovereigns of the country. By Regulation XXXI of 1802 inamdars holding lands under invalid titles had been declared incompetent to plead possession of any length of time whatever in bar to the right of the Government to resume such lands. By Regulation IV of 1831 (afterwards extended by Regulations XXXI of 1836 and XXIII of 1838) all claims to personal and hereditary grants had been removed from the jurisdiction of the courts to that of the Collectors. And by the Inam Rules issued in 1848 all inams, excepting such as were held on grant at the date of British assumption, had been left to be resumed or not practically at the discretion of the Collectors; and as a result, between 1849 and 1853, numerous inams had been resumed and inam property in general rendered most insecure.[2]

Trevelyan could not view this state of affairs with composure. "Justice" and "Institution of property," he said, demanded an immediate change of policy. He drew apt parallels from English history to show how service tenures in England had been converted into freehold tenures and how this had created valuable private property. He observed: "The institution of private property lies at the foundation of human society and the progress of improvement is generally commensurate with the respect in which the rights of property are held by the Government and the community. In this instance, an enormous mass of property, situated in every part of British India has been kept for a long period in a state of unsettlement. Its precariousness, under the various and uncertain conditions of resumption, has been such, that for many years it has had the character of property only in the lowest and most qualified sense. The loss of productive power which has been

[1] G O. No. 690, Revenue, dated 20th May 1859.
[2] *Idem*, pages 1–2.

caused by this is incalculable. It is a great mistake to suppose that the owners are the only sufferers. The community at large is injured in nearly an equal degree by the absence of those improvements, and still more, of that contentment which are the result of a secure state of landed property. In a country like this, abounding with the richest gifts of nature, the land is the greatest laboratory for the creation of wealth; and the power of the Government to reduce its military and police establishments depends upon the degree to which the population is occupied in industrial pursuits, and is interested in the maintenance of the existing order of society."[1] On wise words such as these, comment is entirely superfluous.

He then adverted to the principle, which had been recognized by the late Court of Directors, that length of possession gives a title, and to the similar rule acted on in English legislation in analogous cases and proceeded to propound his plan. This was based on the dictum that long possession is the strongest basis of society. He proposed then that possession of an inam for fifty years, either by the present possessor or by those through whom he claimed, should constitute a valid title, proof of title being at the same time made easy and allowance being made for failure of proof from lapse of time. The title of the inam being established, the next step was to settle it for the future, and this he proposed should be done by commuting the defective inam tenure into freehold, by charging the inam with a quit-rent, redeemable at any time, at the option of the inamdar. In the majority of the inams this conversion of the inam should, he said, be made to depend upon the will of the holder. The rate of quit-rent, he continued, should be made to vary according to the strength or weakness of the particular tenure. The title and future tenure of the inam having thus been determined, a formal title-deed, he proposed, should be given to the holder under the seal of the Government. If the inam tenure was retained, the title-deed would simply certify it; but if it was commuted into freehold, the title deed would assure the land to the proprietor and his heirs and assigns for ever, on the terms fixed, with power to redeem the quit-rent at any time.[2]

Trevelyan had so much faith in the wisdom of this plan that he put it through without waiting for the sanction of the Secretary of State and showed by its results how well it secured. while on the one hand, the welfare of the people, on the other, the revenues of the State. Soon after he laid down his office, he spoke of the measure in these terms: "Whatever conduces to direct the activity of the people into the channels of peaceful industry, to give to the most influential classes a stake in the permanence of the existing Government and to create a general impression of justice and security, has the double effect of increasing the productiveness of the public revenue and of diminishing the military and police expenditure. The settlement of the inam question in the Madras

[1] G.O. No. 690, Revenue, dated 20th May 1859, page 3.

[2] *Idem*, pages 3-8.

Presidency whereby upwards of 300,000 small landed properties (excluding the two large classes of religious and service inams) will be converted from a state of insecurity, which made them the habitual prey of corrupt native officers, into the highest description of freehold tenure is alone worth half a dozen regiments."[1] And the faithful band of Indian Inam Deputy Collectors, who then constituted the cream of the Provincial Civil Service, paid the following tribute to his reform: "The Inam Settlement, when faithfully completed, will remain a lasting monument of your wisdom. This perplexing and harassing question, which seemed to threaten injustice and disaffection, has been solved on the easy and comprehensive principle of a compromise and commutation of the rights of Government; and the thousands of inams which have remained valueless owing to the uncertainty which hung over them will soon be converted into property of the highest description."[2]

Trevelyan also made provision for creating other freeholds by either the redemption or the permanent fixing of the Government assessment on lands of certain classes. Early in 1859, the Secretary of State sent a Despatch to the Government of India on the general subject of permitting the redemption of the land-tax. Trevelyan considered that such a course was improper in India in the case of the land-tax generally, because land-tax here is the main source of public revenue. But he expressed his opinion that as a means of creating a class of numerous, though small, freeholds throughout the country, the right of redemption might very usefully be given to the owners of land of certain classes. Accordingly a resolution of the Government was passed to the following effect: All Government land thereafter applied for, for building purposes, whether by Europeans or Indians, was to be put up to auction and sold outright to the highest bidder, free of all quit-rent or land-tax. In the case of land actually occupied wholly or in part by buildings and paying quit-rent, the owners might convert it into freehold by paying a sum equal to twenty times the yearly quit-rent. In the case of land in towns occupied and not paying quit-rent or liable to it, the owner might convert his tenure into freehold on application only. A title-deed under the seal of the Government was to be given to the owner of land in each of the preceding cases. The provisions of this order were extended to the whole of the private land paying quit-rent within the Madras Collectorate, and also to all land on the Nilgiris, Palni and Shevaroy Hills and Wynad.[3]

The same sense of great social importance of secure and permanent land tenures led Trevelyan to turn his thoughts to the improvement and enlargement of the general ryotwari tenure. It must be remembered that during his time the original survey and settlement operations had just been begun and that there had not

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[1] Statement of Trevelyan, 1860, pages 6–7.

[2] Addresses to Trevelyan and Replies thereto—*See* the Address from Inam Commission.

[3] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 30–32.

been as yet any settled policy to revise the ryotwari settlement only once in thirty years. He found that the ryot had in reality a permanent interest in his land, since he could not be ousted so long as he paid the assessment and since he could freely pass his land to his heirs or mortgage it or sell it. He found that the rent subject to which the ryot held his land was also fixed, not variable. But he saw that ostensibly or nominally, the ryot's tenure was only from year to year or, at least, the patta held by him was only a yearly document with nothing of the permanency about it. He was therefore very anxious to abolish the practice of issuing yearly pattas and to give permanent assurances, so as to bring thus the ostensible character of the tenure into accordance with its real nature. But he met with many difficulties in the way of carrying out this reform, not the least important of which was the ignorant averseness of the ryots themselves.[1] Although he had thus to give up the reform, it should not be forgotten that years later it was for the very same object which he had in view, namely to place the ryotwari system on a secure basis, that it was decided to revise the settlements only once in 30 years.

Nor was this all. When he came, he found that an extensive programme of survey and settlement had just been started, but that no adequate steps had been taken to see that it was finished within a reasonable period. Here was a scheme which, when completed, promised to sweep away the various, complicated, unequal systems of assessments and to substitute in their place a uniform, simple and equitable system based on the actual productivity and extent of each field. But here it was in danger of being stultified, being carried out by a few most inadequate survey and settlement parties. He, therefore, lost no time in strengthening and increasing the survey and settlement parties and impressing upon everyone the importance of completing the operations as quickly as possible.[2]

Allied with the question of survey and settlement was the question of water-rate. This question became prominent about the time Trevelyan arrived. The construction of the Godavari and Kistna anicuts having then just been completed, the question arose as to what arrangements should be made for recouping the large expenditure incurred by the Government from all those who were greatly benefited by the extra irrigational facilities provided. Two modes of recovery were suggested: (1) a consolidated land and water assessment and (2) a separate water-rate. The former was supposed to be the ancient custom of the country, but the latter, Trevelyan found, was more suited to modern conditions. He, however, rejected the plan which had been put forward for charging water-rate according to the actual quantity of water consumed as unsuited to the minute subdivisions of landed property prevailing in the ryotwari districts. He, therefore, fixed a uniform water-rate of three rupees per acre for a single crop. The system was simple

[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, page 33.
[2] *Idem*, pages 33–35.

and left no scope for fraud or exaction. It also met with the approval of all officers who unanimously agreed that the gain by the use of irrigation was very nearly the same on lands of all qualities irrespective of their natural fertility.[1]

Trevelyan found another question connected with the revenue settlements, which called for immediate action; and this was the abolition of the "Olungu" system which prevailed in the districts of Tanjore and Tinnevelly. The basis of this system was a standard grain rent for a given area of cultivation and a standard price for the grain. If the price of the grain in any year varied from the standard price, the revenue demand varied in proportion: and if the probable out-turn of the crop was in any case appreciably below the standard (below 30 per cent), the owner had the right of demanding a division of the produce. The working of this antiquated system, demanding, as it did, a large staff of ill-paid Revenue subordinates for ascertaining the market price, dividing the produce, etc., afforded ample scope for fraud and corruption. Attempts previously made to abolish it had proved unsucessful. Trevelyan, however, saw the corrupt and corrupting nature of this system at once and therefore abolished it once for all and replaced it by the ryotwari system. By this reform he earned the lasting gratitude of the people of Tanjore and Tinnevelly, who, owing to the abnormal rise in prices, had been obliged in recent years to pay under the "Olungu" system a much higher assessment than that paid by the ryots of other districts.[2]

One of the important reforms initiated by Trevelyan was the reorganization of the Revenue establishments. He saw that there was so much confusion, anomaly and waste of expenditure in the existing system, that it could not be called a system at all. The various district and taluk establishments had been constituted upon no general plan. They had been merely piled up from time to time on the recommendations of the Collectors. The numbers and salaries of these public officers bore no relation to the duties they performed. Small districts had, in several cases, more numerous and costly establishments than large ones. Official designations were used in different senses in different districts. And, as if this was not enough, there were a number of ill-paid Revenue subordinates in every district, over whom there was hardly any control and who therefore tyrannized over the ryots. Trevelyan remedied this state of affairs forthwith, with the aid of Mr. Pelly, an experienced and capable Member of the Board of Revenue. He was enabled to carry out this revision with facility, by the various changes that were being made at the same time in the other departments. The Revenue Department had just been relieved from the duty of executing public works. It was being relieved from police duties as well as from all work connected with inam titles. And it was on the point of being relieved also from a number of multifarious duties connected with the antiquated system of land revenue

1 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 36–37.
2 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 55–57.

by the introduction of a regular survey and settlement. The time was thus propitious for reducing the Revenue establishments to a great extent and at the same time improving what remained in a systematic manner, giving, where necessary, increased salaries for all officers of trust and responsibility. As a result of his labours, the number of taluks was reduced from 243 to 158, the duties and designations of all classes of Revenue officers were clearly defined and the salaries of most of them were appreciably raised.[1] He believed that it was impossible to raise the moral tone of administration, unless the services were adequately remunerated. He observed: "One part of the plan is of vital importance to the future well-being of the South of India. This Province of Her Majesty's dominions has been a prey to a swarm of under-paid native Revenue officers. It is now proposed to diminish their number and to increase their pay. This has become more necessary than ever in consequence of the large number of native youth who have received a good English education and have had their minds and, I hope, their hearts opened to a higher standard of morality. It would be cruel, and worse, to place them in situations in which like our official ancestors in this country before Lord Clive raised their salaries, they would have before them the alternative of living in a manner, totally unbecoming their position or of giving in to the prevailing corruption. The indirect gain to the Government from having a set of really trustworthy native Revenue officers will be very great. In the rejection of improper claims to remissions and in taking care that the land-tax on the rapidly increasing cultivation is brought to account, the assistance of such a body of officers will be invaluable. In furnishing a practical security to the people for the maintenance of their rights, they will be still more sensibly appreciated. Torture and purveyance would, under Tahsildars and Peshkars educated at the high school and the Presidency College and *sufficiently paid*, be as obsolete as they are in England."[2]

Trevelyan showed equal enthusiasm in the reorganization of the Police Department. As early as 1855 his predecessor in office, Lord Harris, had proposed the formation of a separate police force under undivided European superintendence, divorced from all Revenue functions and concerned solely with legitimate police duties. He had proposed that there should be a Chief Commissioner or Inspector-General of Police for the whole Province and under him District Superintendents, one for each district. The Home authorities had grudgingly given their consent to this plan, but the Bill which had been framed to carry it out had encountered great opposition in the Indian Legislative Council chiefly for want of a clear and precise definition of the relations between the District

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1 Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 25-30; G.Os. No. 803, Revenue, dated 17th June 1859; No. 1386, Revenue, dated 11th October 1859; No. 55, Revenue, dated 11th April 1860 and No. 1596, Revenue, dated 14th September 1860.

2 G.O. No. 803, Revenue, dated 17th June 1859, page 9.

Superintendent of Police and the District Magistrate, and in consequence of this everything had been held in abeyance. Immediately Trevelyan assumed office, he cleared all misconceptions by defining distinctly the relation between the two officers. He pointed out with unerring common sense that for making the police an efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, it was essential to place the District Superintendent of Police under the District Magistrate and to confine the duties of the Inspector-General of Police solely to the organization of the force and the maintenance of its efficiency and discipline. And he got this sound principle accepted by the Legislative Council. Accordingly, the Police Bill was passed into law and the new system of police was forthwith introduced in no less than sixteen districts. He took particular care to select only the most competent men for the force from the District Superintendent downwards and ordered that all future appointments should be based on merit and merit alone. In all operations connected with the organization of the new police he gave the Inspector-General of Police hearty and active guidance and co-operation and his intimate acquaintance of the Irish and English constabulary systems enabled him to settle all details with facility.

Lord Harris had proposed that the police force should be organized more or less as a military force. Trevelyan made it a civil force but kept it under strict discipline and training. He modelled it chiefly on the English county constabulary with what modifications were necessary to suit Indian conditions and brought it into intimate relation with the village police. His scheme instantly proved an entire success. To quote the Magistrate of North Arcot where the new system was first introduced: "Crime does now see the light and makes a stir. We know the worst of ourselves, while under the old system, a great mass of crime was suppressed." Contemporaries testified that this reorganized system proved an inestimable blessing to the country. And the fact that its underlying ideas have remained the same even to this day is an admirable tribute to his genius.[1]

Side by side with the police reforms, Trevelyan carried out extensive reforms in the Military Department with the full concurrence and support of Sir Patrick Grant, the Commander-in-Chief of Madras, reforms which, while contributing to efficiency, effected also a large saving in expenditure. He broke up the recruiting depots formed at the time of the Mutiny. He reduced the strength of the 52 regiments of Indian Infantry from 1,000 to 700 privates each. He disbanded the two large and expensive Veteran Battalions and the Sapper Militia. He abolished the arsenals at Masulipatam and Vellore and reduced the other arsenals to second-class magazines. He retrenched the establishment of Tent

[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 13–19; G.Os. No. 1289–1290, Judicial, dated 24th September 1859 and No. 1556, Judicial, dated 15th November 1859.

Lascars from 2,172 to 1,185, besides retrenching various minor establishments. He carried out a searching enquiry into the military departmental expenditure immediately on receipt of the report of the Military Finance Commissioners. And he ordered in the Public Carriage and Camp Equipage Departments a series of reforms which combined efficiency with economy in a remarkable manner. Nor was this all. He condemned the costly, obsolete and ill-conceived plan of restoring the defences of Fort St. George and substituted for it a system of modern works which at much less cost afforded more superior means of offence and defence. He improved the ventilation, shade, drainage and other arrangements of the European barracks in the Fort and made them into one of the healthiest barracks in India. He opened with the gratuitous aid of Dr. Proteous a school of dentistry in the Fort at which Assistant Surgeons of the various European regiments could attend to receive instruction and training. And finally he converted the barracks at Wellington in the Nilgiris from a small military station into a large sanatorium for the whole of the European force. All this would show that he believed not in a large, ineffective, ill-organized uncared-for army, but in a small but effective, well-disciplined, well-cared-for military force.[1]

Trevelyan achieved more permanent, in fact brilliant, results in the reorganization of the Public Works Department. This was a department which had become so disorganized and inefficient that it had become a scandal and attracted the notice of even the authorities in England. Trevelyan therefore set about to cleanse the Augean stables with his characteristic vigour and thoroughness. He removed the Chief Engineer who was utterly incompetent and replaced him by an officer of proved merit and ability. He then drew up a memorandum for his guidance by stressing the importance of securing none but the most skilled and competent officers and subordinates, of organizing an effective system of audit based upon regular accounts and independently taken measurements, and compiling a clear and comprehensive Code of Rules for the administration of the department. He ordered the total abolition of the system of forced labour and made it an offence to use abusive language or personal violence towards the inhabitants. He wanted every person in the department to be in a position to converse with the people in their own language. All these reforms were quickly introduced by the new Chief Engineer. Every appointment and promotion was carefully weighed with a view to efficiency only, some examples were made of neglect and inefficiency, discipline was enforced, the maintenance of systematic accounts was insisted upon, and a Code was drawn up, as a standing guide to all officers in the department. Trevelyan was also responsible for laying down the scale of establishment, the rules of

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[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 69–71; G.Os. No. 441, Public, dated 26th March 1860—*See* Trevelyan's Minute; No. 1036, Public Works, dated 3rd May 1859.

admission and the curriculum and scope of teaching of the Engineering College which was started shortly after he took charge.[1]

The Department of Education did not come in for any general revision in the hands of Trevelyan. He found that it had been organized only a few years ago and placed under a Director of Public Instruction, Mr. Arbuthnot, one of the ablest of the Company's Civil Servants. Nor did the general method adopted for extending education come in for criticism at his hands. He entirely approved the existing method of encouraging the establishment of English schools, as far as possible by private enterprise assisted by a system of grants-in-aid. He saw that the grants-in-aid system was rapidly enough producing a number of schools all over the Province. And he believed that any sudden, violent, unnatural push by the State in the direction of compulsory, universal elementary education was, in the existing condition of society, bound to create alarm and discontent in the country. That is why he opposed a scheme suggested by the Secretary of State to introduce compulsory elementary education by the imposition of an educational cess. He was certain that the community would not consent to any fresh taxation for a purpose which did not appear to them really to serve their interests. It was the upper and middle classes of society alone, he pointed out, who had the desire, the means and the leisure for receiving English education. And these classes were already receiving such education under the system of grants-in-aid. The lower classes, he remarked, had neither the desire nor the facility for receiving English education, the majority of them being absorbed in the struggle for their daily subsistence and being quite content with what elementary education they received in the village pial schools under the indigenous system. Any compulsory imposition of a cess, he said, was besides, in the existing state of affairs, bound to lead to fraud and corruption on the part of petty officers entrusted with its collection. Nor was this all. He was afraid that, if the Government undertook to provide efficient village schools, private enterprise in this direction would be completely stifled. He was more afraid that, once the Government schools were established, the Evangelicals in England would immediately raise the cry for the introduction of the Bible in such schools and this would create panic among the people and set them against the Government. "There is nothing," he declared, "so dangerous or destructive to progress of every kind as these panics." And he went on: "Native education was earliest as it is likely to be my latest aspiration for India; and I earnestly desire that the cause which I so much love should not be connected with arrangements which would make it odious to the great body of the people."[2]

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[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 23–25 and 46–48; G.Os. No. 851, Public Works, dated 11th April 1859; No. 1439, Public Works, dated 11th June 1859; No. 2304, Public Works, dated 26th September 1859; No. 2518, Public Works, dated 26th October 1859.

[2] G.O. No. 1756, Public, dated 23rd November 1859.

But, while he was against the introduction of compulsory elementary education by the imposition of an educational cess, he was by no means against the extension of higher education, wherever possible, among the people. He ordered the Director of Public Instruction to liberalize the rules under the grants-in-aid system. He wanted that all men of all classes of society, especially of the upper and middle classes, should receive, to the widest possible extent, the inestimable blessings of English education. He ardently looked up to them to become, in course of time, torch bearers of education to the masses.[1] He ardently looked up to them also to disseminate education among women, an education without which no nation can hope to become great. He, however, deprecated any hasty or rash move on the part of the Government in the direction of female education in the then existing state of society. He expressed his views on this matter thus: "I have often considered the subject of native female education; and the general conclusion at which I have always arrived, is that, in the existing stage of our progress, the Government should direct its principal attention to the men, leaving them to provide for the education of the women. The Government *can* exercise a direct and powerful influence upon male education, which it cannot, at present, do in reference to female education; but we know by experience that natives who have become susceptible of intellectual pleasures, are impatient of the uncultivated, animal state to which it has been customary to confine women in this country; and we may, therefore, hope that as education spreads among the men, the movement will, at no distant period, extend to the female portion of the population. We shall then be able to enter upon the subject of female education with greatly increased advantages."[2] In the meanwhile, he ordered that every encouragement should be given to the establishment of female schools whether by Europeans or Indians under the grants-in-aid system[3] and that, to obtain trained teachers for these as well as male schools, additional training schools should be opened at State expense.[4]

This is not all. He held highly-advanced views on the relation between the English and Indian languages in regard to the mode of teaching adopted in the schools. It will be recollected that in his early career he was largely responsible for the decision of the policy of promulgating European literature and science among Indians. It will also be recollected that he was a linguist who had studied most Indian languages. He could not therefore be expected to advocate as Governor any but the most enlightened views upon this subject. And these views are so peculiarly instructive and important at the present moment that it is well to quote them in full:

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[1] G.O. No. 1756, Public, dated 23rd November 1859.
[2] G.O. No. 437, Public, dated 26th March 1860.
[3] *Idem.*
[4] *Idem.*

"The true relations of the English and Vernacular languages in an educational point of view are, I think, correctly described in the following extract from an address which I recently delivered on the occasion of laying the foundation stone of the Salem Zilla School: "I have often heard the claims of the Vernacular and English languages alluded to as if they were antagonistic. This is an entire mistake. They have both of them an indispensable part to perform in the present stage of Indian progress; the one as the language of superior education, the other as the language of popular education, of business, and of common life. They may be cultivated in perfect harmony with each other. Nay, they mutually assist each other. As English is a difficult foreign language, it ought to be taught from early childhood, while the memory is tenacious and the organs of speech are plastic; and children should be continually exercised in turning English into the Vernacular language and the Vernacular language into English, both in speaking and writing. Thus neither of them will be learned in a superficial or smattering way; and young people will acquire a variety and wealth of thought and expression which could not be obtained by the study of one language only. The different native dialects will at the same time be enriched, and a wholesome tendency to assimilation will be established among them by their drawing their scientific and professional terms and their habits of abstract thought, from a common centre."[1] Trevelyan asked the Director of Public Instruction to report as to how best these views could be put into practice, but before anything could be done he had to lay down his office.

Holding, as he did, such enlightened views on the importance of education in English as well as in the Indian languages, it was only natural that he tried to put them into practice wherever it was immediately possible to do so. As soon as he assumed office, he found that the question of properly educating the minors under the Court of Wards had been under discussion for a long time, but that nothing had actually been determined upon. He therefore studied the subject and came to the conclusion that the best course was to entrust the Director of Public Instruction with the education of the wards not only in Indian but also in English language and literature, through his inspectors who were to appoint proper tutors and watch and report on the progress of the wards. He envisaged the establishment of a special home for the wards in Madras, where they could be brought up in a suitable manner and afforded facilities for attending the Presidency College. And he even went to the extent of suggesting that wards should, to round off their education, be made to travel under the care of tutors in England and on the Continent. His idea of putting the wards under the Director of Public Instruction was immediately acted upon, but his idea of setting up a home for the wards in Madras and sending them abroad for foreign travel had to be given up mainly on the score of expense.[2] In the matter of encouraging

[1] G.O. No. 437, Public, dated 26th March 1860.
[2] G.O. No. 76, Revenue, dated 16th January 1860.

education in Indian languages he was able to do something eminently practical and point out the way for further progress. He often visited the Madrasa (the Muslim school) in Madras, took a keen, personal interest in the teaching of Hindustani, conversed freely with the lecturers and students in Hindustani, presented them books in Hindustani and encouraged them also to publish books in Hindustani and by these acts earned the gratitude of all Muslims.[1]

Turning now to departmental reforms of a general nature, Trevelyan's first act was to eliminate all unnecessary and unimportant work, so that the higher authorities in Madras as well as in England might be in a position to devote most, if not all, of their time and attention to matters of great public importance. When he came, he found that the system of transmitting all correspondence, however trivial, to the Home Government, which had prevailed in the days of the East India Company when its activities were confined to a few Factories, had been continued to be adopted unchanged even after the Factories had become great Presidencies. He found that no sufficient distinction was made between important and unimportant subjects and "overgrown bodies of clerks and printers were kept up at the Indian Presidencies and in London at a lamentable cost of money, and still more, of misdirected time and labour for the purpose of carrying on the monster correspondence." And, after consulting his colleagues and the able and experienced Secretaries, Mr. Pycroft and Mr. Bourdillon, he ordered that only important matters should be reported to the Home Authorities and that upon each of these matters separate Despatches should be sent with only the relevant papers to support them instead of sending general Despatches relating to multifarious subjects and accompanied by innumerable long enclosures. "The saving of time, labour and expense resulting from this change and the concentration, upon the great interests of India, of powers of mind, which are at present too much frittered away among a variety of insignificant objects cannot," he said, "fail to be productive of great public advantage." At the same time, he issued specific instructions to all Heads of Departments not to send up to the Government long-drawn-out reports and unnecessary enclosures but to send up only short, succinct and self-contained letters even upon important matters. It is stated that his suggestions for improving the method of Home correspondence was fully approved by the Secretary of State and ordered to be adopted by the Government of India and all other Provincial Governments.[2]

Nor was this all. Just as he insisted upon the elimination of all unimportant correspondence, he insisted upon the preservation of all important official correspondence. He had in view, in fact, the organization of a separate Central Record Office for the preservation

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1 Addresses to Trevelyan and Replies thereto, 1860, pages 36–37.

2 Trevelyan's Administration of Madras by J. D. Bourdillon. 1860, pages 3–5; G.O. No. 526–527, Public, dated 6th April 1859.

of all documents of value. He observed: "A regulated process for having such of the old records as are worth preserving either for official, historical or statistical purposes properly cared for in a Central Repository and for relieving the public offices at the Presidency and in the mufussal from the immense masses of useless papers with which they are encumbered has become urgently necessary; and as soon as I have time to mature it, I shall propose an arrangement on the principle of that which has for some years been in successful operation at Home in connection with the Public Record Department." There can be no doubt that, if he had continued in office for his full term, he would have established a Central Record Office.[1] As it was, however, his premature recall postponed the establishment of such an office by half a century. For, the Madras Record Office was organized only in 1909.

This was not the only instance in which his ideas were far in advance of the times. His ideas of setting up municipal institutions, of giving a certain amount of fixity to the ryotwari tenure and of evolving a harmonious scheme of education combining the study of both the English and Indian languages, have already been indicated as instances of his wonderful foresight. The idea of Provincial Autonomy which has only just been realized is another instance of his marvellous pre-vision. As far back as 1859, he saw the various evils arising out of a rigid centralization. He felt that "it is physically impossible that the real Government of the whole of India can be carried on by one set of men from one place," namely, the seat of the Government of India. He observed that "the result of the attempt has been to paralyse the local Governments without providing any effectual substitutes for them." He remarked: "The South of India differs from the North as much as France does from Germany or England; and if it had been intended that the detailed administration of the South of India should be conducted at Calcutta, provision would have been made for assisting the Governor-General in his Secretariat and Executive Council with officers trained in the peculiar system of the South." He deplored the constant interference of the Government of India in purely Provincial matters and the mania for uniform legislation irrespective of the requirements of the Provinces. He pointed out that it was a fallacy to imagine "that whatever is applicable to Northern India is equally applicable to the Madras and Bombay Presidencies." He commented: "Progress is impossible if, besides proving that a measure is required for the Tamil, Telugu, Malayalam and Kanarese people, or any of them, we have also to show that it is not unsuited to the Bengalees and the countless millions inhabiting the great plains which extend from Bengal to the Indus." He went on: "In Government as in other things the true process of reasoning is the Baconian one. We ought to build upon the foundation of actual induction; making only such amendments whether suggested from within or from without as experience may show to be required. When, therefore, we are asked to conform our system to that of Bengal, we are called upon to forego the ripe fruits of experience

[1] G.O. No. 264, Public, dated 23rd February 1860.

round which the public feeling and the *esprit de corps* of this Presidency have gathered through many official generations and to enter upon the discussion of what to us are entirely abstract propositions. Can we be surprised that under these circumstances a feeling of general discouragement and indifference has prevailed and that a serious check has been given to the progress of improvement ?" He believed that the only matters which ought to properly belong to a Central Gevernment should be matters of "common interest such as diplomacy, post-office, customs, etc." So far as finance was concerned, he held that the only control which the Central Government should exercise was to see that the Provincial Governments did not exceed their appropriations under the principal heads of expenditure and that the allocation of the expenditure under the various detailed heads should be left purely to the discretion of the Provincial Governments. It was, he said, essential that the Provincial Governments should be "saved from the humiliating necessity of making a separate application to Calcutta on every occasion on which any new expenditure, however trifling, was required."[1]

Needless to say that these highly-advanced ideas found favour with none but a very few of the higher authorities. They were communicated to the Government of India, but nothing came of them. There was, however, one good idea which he conceived and carried out, at any rate so far as Madras was concerned, to the great advantage of the departments of the Government. And this was the system of preparing the annual budget by every department, a system which has continued, almost unchanged in essentials, down to the present. According to this system, introduced by him in 1860, estimates were to be framed by the Heads of Departments on a full and detailed consideration of the probable expenditure during the ensuing financial year, were to be classed under suitable heads, proper harmony being preserved between the different departmental estimates and were to be revised and co-ordinated carefully by the Government.[2]

One general reform which outweighed all the rest and affected so vitally the welfare of the common man was Trevelyan's abolition of what was then known as impressment. It is impossible to imagine a state of things more oppressive and demoralizing than this system. Under it men were dragged away from their homes with their carts and cattle or forced to unload carts laden with private goods and compelled to travel from station to station without the slightest regard for their interest or wishes and without even an intimation of the length of time or the distance over which they were expected to travel. They were suddenly seized in this way not only for the Government service but also for the private service of official and non-official Europeans and paid for all their troubles quite inadequate, or, sometimes, no remuneration at all

[1] G.O. No. 1073, Public, dated 14th July 1859 and No. 228, Finance, dated 22nd May 1860.
[2] *Idem.*

All European cart owners, however, escaped this harassment and this was all the more resented by the people who were helpless to get their grievances redressed. The system, indeed, became so odious and oppressive that it struck terror into not only the cart owners but also the merchants who employed them and led to most unfortunate consequences. Carts were broken up, the wheels were concealed in tanks, the cattle were driven into the jungles and the common carriers feared to convey the produce of the country from place to place, with the result that the entire trade of the country was brought to a stand-still. The Government considered these evils unavoidable and as late as 1857 informed the Government of India that the system had to be continued in the interests of administration. Trevelyan, however, saw at a glance the evils of this pernicious system. He saw that it was a form of serfdom which unhappily grew out of the relation of the dominant and the subject races. He saw that it preyed upon the vitals of the country, repressed the development of its resources and put a stop to trade and commerce. Above all, he saw that it led to wide-spread demoralization. He, therefore, insisted upon its abolition at all costs, and succeeded in abolishing it and replacing it by the modern method of procurement on the tender system in the open market. It is needless to remark that by this great reform he earned the universal gratitude of all classes of people.[1]

It should not be imagined that Trevelyan confined himself to the headquarters at Madras all the time. Brief and busy as was his rule, he studied for himself the conditions obtaining in the districts and suggested what could be done for improving them. Within five months of his arrival he undertook a series of tours and visited not less than nine districts in two and a half months. He made these tours unostentatiously, accompanied by a small staff, journeying by bullock-carts, meeting the officers at each station in a natural and easy manner, often at their tables, conversing freely with non-officials, both European and Indian, visiting schools, dispensaries, hospitals, jails, harbours, anicuts, hill stations, etc., and suggesting the ways and means of improvement everywhere. After the completion of every tour he wrote a Minute. These tour Minutes abound in a wealth of descriptions, observations and suggestions on a variety of subjects of local interest and are couched in a language at once picturesque, direct, powerful and convincing. It is impossible to convey an adequate idea of their freshness, charm and originality; an attempt will, however, be made to convey their essence as briefly as possible.

His first tour was in the Godavari and the Kistna Deltas. Here he suggested improvements to the harbours of Cocanada and Coringa, advised the people to set up municipalities in the towns, recommended the proper maintenance of roads, water-ways and schools, inspected the Godavari and Kistna anicuts, urged the

[1] Trevelyan's Administration of Madras by J. D. Bourdillon, 1860, pages 37–40; Addresses to Trevelyan and Replies thereto, 1860, pages 7–8 and 13.

speeding up of the subsidiary works connected with them, ascended the Godavari in a boat high up to its junction with the Sabari, satisfied himself of the utility of opening up the fertile parts of Central India by means of the proposed Godavari Navigation Canal to the sea, and pointed out the best method of executing it with expedition. He then came down to Madras and commenced his southern tours.[1]

He visited the districts of South Arcot, Tanjore, Tiruchirappalli, Madurai, the Nilgiris, Coimbatore and Salem. At Cuddalore he suggested improvements to the harbour and urged the setting up of a hospital and a municipality for attending to water-supply, sewage and roads. At Nagapattinam he suggested improvements to the harbour and recommended repairs to an old handsome Dutch church, erection of a hospital, establishment of a civil court and the formation of a municipality. At Tiruvarur he discussed with the Collector and other officials the question of substituting for the Olungu system a system of fixed rents. At Kumbakonam he ordered the shifting of the hospital and the dispensary situated about two miles away into the heart of the town where they were most needed, observing: "It has been too much the practice to build hospitals with reference to the convenience of the Medical officer rather than of the patients. The doctor should go to the hospital, not the hospital to the doctor." He also held a Darbar at Kumbakonam and discussed freely with the leading landlords and merchants the affairs of the Tanjore district generally and the abolition of the Olungu system in particular and urged the need of forming a "sanitary association" consisting of the representatives of the town to adopt sanitary measures. At Tanjore where he found wealth and plenty "in the face of the country" he recommended the construction of good roads for the district and a system of education harmoniously combining the study of both English and Tamil. "The quickness, the intelligence and, above all, the eager desire of the native youth to learn", he said, "make it a pleasure to help them." But the chief defect, he remarked, "was that sufficient attention was not paid to constantly turning Tamil into English and English into Tamil *viva voce* as well as on paper. There is no exercise like this for sharpening the intellect and giving a ready command of both languages."[2]

From Tanjore he came to Tiruchirappalli. Here he suggested measures for expediting the new survey and settlement operations which were then in progress, discussed with Revenue officers again the subject of the Olungu system and laid down the procedure for the maintenance of public works, for the granting of remissions and for the discontinuance of forced labour. The natural and architectural beauty of Tiruchirappalli made a profound impression

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[1] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 15th October 1859.

[2] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 18th January 1860.

upon him. He said: "Besides the gallant deeds of arms associated with it, Tiruchirappalli may be compared with the most celebrated European places for natural and artistic beauty. From every point of view the Rock is a highly picturesque object. The view from it, including the Cauveri and Coleroon, with their respective bridges, the temples in the Island of Srirangam and the Upper Anicut and Tanjore in the remote horizon, is singularly striking. The bridges which span, and the Anicuts or gigantic weirs which control these (in the season of the floods) wide and impetuous rivers, are works of which any nation might be proud. The Hindu structures in Srirangam are also grand in their conception, and in design and ornamental detail, they are often remarkable for their beauty. Justice has not been done to the architecture of the Hindus. Two observations naturally occur to those who examine their great monuments in the south: one is, that a people capable of such works at an early period of their history, are deserving of all the pains that can be bestowed upon them; and the other, that it must be the fault of those who administer it, if a country in which such vast sums have been available for public works does not yield a surplus." He found the town of Tiruchirappalli, however, exceedingly crowded and unhealthy and suggested the removal of the dilapidated old fortifications and the laying out of parks for public recreation. He also found the palace of the old Rajas and the Nawabs of the Carnatic neglected and proposed their acquisition and preservation. And he recommended the establishment of schools, the want of which was keenly felt by the people.[1]

From Tiruchirappalli he proceeded to Madura, "the ancient seat of the Pandian dynasty and the Athens of Tamil literature," and a town also famous for its temple, "one of the greatest monuments of the Hindu religion." Here he found that the municipal spirit had been fostered by the exertions of a single individual, Mr. Blackburn (Collector from 1834–1847). The town was well laid out in streets and bazaars, properly drained and provided with a school and a hospital. But he found the roads in the district sadly neglected and remarked upon the folly of allowing expensively constructed roads to go to ruin for want of trifling but timely repairs. He also found the disposal of civil suits in the District Court equally neglected and remarked: "It is unjust and unreasonable to levy taxes and maintain armies and to stop just short of that for which the whole machinery of Government exists. Such chronic delay in the administration of justice exercises an extremely baneful influence in encouraging litigation and enabling persons possessed of long purses to keep others out of their rights." In order to remedy this he suggested the appointment of an additional sub-judge. He likewise found the district so rich in natural products

[1] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 28th January 1860.

that he felt the need to connect it by railway to the other districts extremely urgent.[1]

From Madurai he ascended the Palni Hills by the horse-path from Periyakulam and found himself transported to a climate at once invigorating and a scenery at once fascinating. His impressions he set down in the following felicitous language: "The upper range is entirely free from fever and it is accessible without having to pass through any Tarai or feverbelt. The climate is equal to the best climates of the Indian mountain regions. The vegetation has a much closer analogy to that of England than is the case at Simla. The fern, the bramble, violets, and several kinds of moss grow wild here, as they do at Home. The nettle and cowslip assume Brobdingnagian proportions and fruits strangely similar in appearance and taste to the wortleberry and gooseberry, grow upon trees. The nettle *will* sting here which it won't at Simla. Mixed with these, are the rhododendron, which here really deserves to be called a 'tree rose', the mangnolia and other products of a more genial clime. These hill stations would not be temporary sanitaria to persons who have been relaxed by the heat of the plains, if the air were harsh and bleak as it often is in England. The *flora* here is beautiful. At one small spring I saw gentians of two kinds, everlasting flowers and wild balsams, besides other flowers the names of which I did not know . . . . The potatoes are so mealy and good that I am surprised that, notwithstanding the present imperfect means of conveyance, Europeans have not settled here to grow them for sale in the plains. The turnips also are excellent, and every English vegetable and fruit, except currants and gooseberries, may be cultivated with advantage. Garlic is grown in great quantities in the native villages for export to the plains . . . The summit of the upper range extends, in long undulations, over a space twenty miles in length by fourteen in breadth. It is covered with grass which is burnt every year and cattle and sheep graze upon the young shoots. The grass may be improved, but, even as it is, horses live upon it and butter is made equal to English butter. There are woods full of timber, some of them of great extent, in the ravines and sheltered hollows on the plateau. Elk and bison abound in them. The scenery is similar in character to the best Highland scenery. In some places it is highly romantic. Two remarkable features are extensive ledges of smooth, mushroom-shaped rocks over which the torrents fall and natural bridges and underground channels through which they percolate." He thought that these hills would form an ideal settlement for Europeans and made a number of practical suggestions for making them populous and prosperous. Indeed, his enthusiasm was so great that he traversed a long distance through hills and forests to find out a route best fitted to connect the hills to the plains[1].

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[1] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 8th February 1860.

From the Palni Hills he went to Dindigul, inspected the public offices there and, finding the only school in the town in an utterly neglected state, urged the establishment of a new school with a good library. " A library of entertaining and instructive books ", he remarked, " ought to be an invariable appendage to every school in this country. A taste for reading is one of more value than any school instruction and it is especially so in this country where the thirst for knowledge is so great and the means of acquiring it in any true sense so scanty ".[1]

He then went to the Nilgiris. Here he found that a small settlement of Europeans was coming up, but that it required to be further developed. " Ootacamund ", he observed, " is in several respects one of the most remarkable places in Her Majesty's Dominions. It has been formed within the last forty years by the private enterprise of British gentlemen assisted by a few Parsees and other native settlers from different parts of India. Indeed, the whole plateau of the Nilgiris has much more in common with North America and Australia than it has with the old societies on the plains of India." He thought that it should be converted into a summer resort for the Government and some of the Heads of Departments and other officers. With this object in view, he suggested various improvements; that all lands there not required for public purposes should be sold in auction and the proceeds spent over civic amenities, that a good water-supply and drainage should be provided, that the beautiful woods near the station should be placed under the immediate charge of the Conservator of Forests, and that an additional church, a hospital and a good public library should be founded in the town. Jakatala, a few miles down (now called Wellington at his suggestion), he said, should be used as a sanatorium for the invalid European troops. He was not for using it as a military station, since such an arrangement would be expensive and would benefit only a few of the regiments. While he was at Ootacamund, he met the coffee planters of Wynaad and settled the question of the land-tax to be paid by them, a question which had long remained unsettled.[2]

From the Nilgiris he proceeded to Coimbatore and Salem. At Coimbatore he found the jail overcrowded and suggested the provision of better accommodation and better classification of prisoners. He also suggested improvements to the town and the opening of parks for public recreation. At Salem he found the nucleus of a municipality, encouraged its growth, assisted in laying the foundation of a new school and suggested amenities for the settlers on the Sheveroy Hills and the conservation of the forests.[3]

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[1] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 8th February 1860.

[2] G.O. No. 517, Revenue, dated 4th April 1860; Minutes, dated 23rd February 1860 and 29th February 1860.

[3] G.O. No. 517, Revenue, dated 4th April 1860; Minute, dated 6th March 1860.

His tours in the other districts were abruptly cut short by important events happening at Calcutta, then the seat of the Government of India. It is necessary to deal at some length with these events, as it is these events that ultimately led to his recall. These events one and all related to finance and taxation, subjects in which he was quite at home and about which he had formed decided opinions based on his vast English and Indian experience. He was not a man who would quietly submit to measures which he was convinced were not in the interests of the people. When therefore he saw the Government of India urging financial measures which in his opinion were decidedly opposed to public interests, he opposed them tooth and nail, even at the risk of his own career. This is what happened.

The Indian Mutiny left the Government of India with an empty treasury and a large debt. With a gross revenue of only £43,000,000, that Government found it impossible to pay off the debts amounting to more than £98,000,000[1] In order to retrieve the position, to improve the finances, the Secretary of State for India sent a financial expert, Mr. James Wilson, as the Financial Member of the Governor-General's Council. And Mr. Wilson considered that the crisis could be tided over only by imposing fresh taxes. He accordingly proposed (1) a Tobacco Tax, (2) an increase in the monopoly price of salt and (3) a Professional tax (including an Income-tax) and then, towards the end of the financial year 1859–60 (4) a General Income-tax upon all incomes over Rs. 200 a year. His proposals about the first three taxes were early enough communicated to the Government of Madras for remarks. But, finding that the Government of Madras were opposed to his taxation policy, he did not care to communicate to them his proposal about the General Income-tax, until he published it in his Financial Statement before the Indian Legislative Council. Nor was this all. Throughout he attached no weight to the views of Trevelyan and his Council and even went to the extent of suppressing those views. Trevelyan could not brook this. He knew the value of discipline in service. He knew that in all important matters he should bow down to the decision of the higher authorities. But he felt that, where the matters were so grave as to affect whole populations, where great public interests were at stake, whenever there was a strong difference of opinion between the Government of India and a Provincial Government, the Secretary of State ought to be approached to give his final decision. He felt that in such matters —where, of course, there was no urgency—the Government of India ought not to compel the Provincial Government to carry out a policy which was entirely opposed to their conscience.

It should not be imagined that Trevelyan was alone in opposing the taxation policy of the Government of India. Still less should

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1 Cambridge History of India, Volume VI, pages 314–315.

it be imagined that he had no faith in an Income-tax. His experience as the permanent head of the British Treasury undoubtedly taught him the potential value of such a tax. But he considered that tax unsuitable to India at that time; he considered it, in fact, unnecessary, and, even if deemed necessary, decidedly dangerous in inflaming the passions of the people against the Government at a time when the country had only just emerged from the calamity of the Indian Mutiny. He had the full support, in his opposition, of all the Members of his Council, Sir Patrick Grant, Mr. Morehead, Mr. Maltby and Sir Walter Elliot. Every one of them agreed with him that the policy enunciated by the Government of India was dangerous to pursue in the then existing state of affairs in India. Every one of them also agreed with him in thinking that the financial crisis could be got over by a reduction in military expenditure and by a thorough reorganization of the public departments, combined with all the good measures of administration adopted to increase the wealth and resources of the country. The Government of Bombay too, then presided over by an enlightened Governor, Lord Elphinstone, appear to have held views similar to the views of Trevelyan. And a dispassionate study of his views even to-day cannot fail to impress everyone with their force and good sense.

Now the Tobacco Tax proposed by Mr. Wilson envisaged the imposition of a tax of about four rupees per acre of the land cultivated with tobacco, the tax to be collected before even the commencement of cultivation. The Board of Revenue, to which the matter was referred for remarks, considered that this was a tax which could not in justice be imposed upon zamindari and inam lands, since it would be contrary to the terms of the sanads and title-deeds upon which those lands were held. Nor could it be imposed, the Board considered, upon ryotwari lands since these lands were then being settled upon the express assurance that the assessment would be fixed solely with reference to the productivity of the land and not with reference to the nature of the crop grown upon it. To impose any additional tax upon lands growing tobacco, the Board therefore remarked, would be to belie this assurance and to create a mistrust in the minds of the people. Its imposition also meant, the Board pointed out, not only the imposition of a higher assessment on lands already sufficiently highly assessed but also the sanction of inquisitorial enquiries into the affairs of ryots by a swarm of ill-paid Revenue subordinates who would not scruple to take the opportunity to oppress the ryots in every way. Trevelyan and his colleagues completely agreed with these views and transmitted them to the Government of India.[1]

Nor did Trevelyan and his colleagues agree to the suggestion to increase the monopoly price of salt. Trevelyan, in fact, held that this was extremely objectionable. What he said then in regard to this matter is of much interest to-day in the light of the present

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[1] G.O. No. 774, Revenue, dated 11th June 1859.

proposal to abolish the Salt Tax. He observed: "An increase in the Salt Tax is no doubt open to argument; but I am confident that on every ground of justice and policy (under which last head I include strictly financial results) it would not be advisable to increase this tax. The Salt Tax is of the nature of a poll-tax; and it is already so heavy that the labouring population, who form the bulk of the consumers and consequently of the tax-payers, are unable to provide a sufficient supply for themselves and their families."[1] And he went on: "We ought also to remember that salt is an essential article of life and health to poor as well to rich and almost in equal quantity to all; and that the poorer and more miserable the sufferers, the more powerless they are to oppose or complain."[2] He therefore thought it desirable not to increase the tax but to improve the sales of salt, especially in the interior places, in order to derive a greater revenue; and these views were communicated to the Government of India.[3]

Trevelyan and his colleagues equally opposed the imposition of a Professional Tax, a tax which brought within its ambit all persons exercising trades and professions, whose net profits exceeded Rs. 5½ a month or Rs. 66 per annum. But for the fact that all such persons were required to take out a licence, this tax was in the nature of an income-tax. It excluded, however, all funded, landed and house property. As this tax appeared to vitally affect the interests of almost all sections of the community, Trevelyan consulted all experienced officers about it and having found that they were all against it, he recorded his own views against it in an able Minute. The reasons he adduced against this tax are as follows: It was certain to create distress, disaffection and even alarm in the minds of the people. People in India, unlike in England, distrusted all new taxes and that was because a wide gulf had always existed here between the rulers and the ruled. Even under their own rulers they distrusted all innovations and either rose in revolt against the rulers, where this was possible, or, where this was not possible, resorted to passive resistance (satyagraha) as the only effective weapon of defence. Under the foreign rulers, like the English, they could not be expected to do otherwise. For here there was a greater gulf between the Government and the governed, and a lesser understanding and sympathy between the two. The tax was besides a tax of an inquisitorial nature which was bound to create a fear in the minds of the people that once they divulged their income, there was danger of their being taxed further and deprived of all their wealth. The tax also was very unfair to the Southerners. The Southerners rightly argued that they should not be made to suffer for the sins of the Northerners. They could not understand at all, still less could they relish, the idea of penalising them for the folly of the Northerners. They had

1 G.O. No. 774, Revenue, dated 11th June 1859, pages 6–7.
2 G.O. No. 785, Revenue, dated 14th June 1859.
3 G.O. No. 774, Revenue, dated 11th June 1859.

nothing to do with the Indian Mutiny; and so they had nothing to do with the debts caused by it. In fact, they had not only not created any troubles in the south but had actually assisted suppressing the troubles in the north. And for all this it was strange, indeed, that they should be taxed and not rewarded.

Nor was this all. A tax of this sort could be collected only with the aid of an army of ill-paid subordinates and, as such, was sure to open the door to corruption. Moreover, it was quite contrary to the wise policy enunciated by the Home Authorities. According to this policy even the existing Moturpha and Veesabuddy taxes ought to be abolished and not perpetuated in a harsher form. Again, the tax was unjust in conception. It affected the poor and left off the rich. "In this Bill it is proposed to tax the profits of industry when they exceed £ 6-12-0 per year and entirely to exempt funded, landed and house property. This is therefore not only inequality but inequality in the wrong direction. The rich are filled with good things and the hungry are sent empty away. There is in my opinion no just ground for this exemption." Finally, the tax was founded on an idea prevailing in England that all, who had benefited by peace and prosperity under British rule, ought to contribute their due share for the maintenance of that rule. This was a misconception. India was only slowly recovering from the effects of bad administration and the Mutiny. Madras, at any rate, was already heavily taxed and here the trading classes who were in a depressed condition "instead of being fit subjects of special taxation . . . require every encouragement, that they may perform their part in reviving the industry of the South of India." For all these reasons, Trevelyan considered, and his Council agreed with him, that the Bill for the Professional Tax should be dropped and that, at all events, it should not be made applicable to the Province of Madras.[1]

It would, however, be wrong to imagine that Trevelyan blindly opposed all measures proposed by Mr. Wilson without suggesting any alternative remedies. His was not a mere obstructive or negative attitude. He had a positive, dynamic policy of his own for improving the finances and he propounded it in a number of very able Minutes which are as conspicuous for their style as for their substance. He proposed no new taxes; he did not want that any new taxes should be sprung upon the land, until it was fit and ready to receive them. He believed that the substitution of a gold standard with a subsidiary silver currency for the existing cumbrous medium of silver exchange and an introduction of a paper currency would go far to ease the situation. He believed that a redemption of land revenue in certain cases like the inams would bring in large funds. Above all, he believed in an all-round searching enquiry in all the departments of the Government, an all-round elimination of unnecessary expenditure and an all-round adoption

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[1] G.O. Nos. 1660 A-1661, dated 9th December 1859.

of various good measures calculated to improve the wealth and resources of the country. Good administration, he emphasized, was as effective in increasing the revenue as in diminishing the expenditure. And an essential requisite of good administration, he pointed out, consisted in the selection of proper personnel. He observed: "To select persons for every department without reference to any consideration except that of superior fitness is so important a part of good government that it may almost be said to be the whole. If it were for the future clearly understood that this would be the sole test except where some positive rule interfered, a stimulus of the highest possible value would be given to the entire public service." He showed how such a policy had actually brought in surplus revenues in Madras and how by the adoption of a similar policy the revenues of all the Provinces and of India as a whole could be made to show a surplus and at the same time the administration improved to the great benefit of the people. He explained that a vast saving could be immediately effected by disbanding the numerous military levies raised in the North to put down the Mutiny. He considered these levies a potential source of future danger, a heavy drag on the country, an immense drain on the treasury and a perpetual loss of productive labour on the land, a loss which the country could ill-afford to sustain.[1]

There could be no doubt that with views such as these Trevelyan was running the gauntlet of the Government of India. That Government had on more than one occasion noticed his independent attitude and his restlessness at the system of control exercised by them. That Government could not, and in fact, did not, relish any views except their own. Accustomed to govern and not to be told how to govern by any of the Governors, that Government could hardly be expected to give an impartial hearing to Trevelyan. The rift growing between the two was noticed in England and, at any rate, one leading Liberal Politician took up the cause of Trevelyan in Parliament and warned the Secretary of State to set right the procrustean attitude of the Government of India. John Bright, the great statesman and orator, knew not Trevelyan much. But he knew the great and good reforms which Trevelyan was undertaking and he felt it his duty to strengthen his hands against the Government of India. In August 1859, in a discussion introduced by Sir Charles Wood (the Secretary of State for India), on the Financial Statement of India, he assailed the various defects in Indian administration, declared that the only way by which the Indian finances could be set right was by a reduction in army expenditure accompanied by reforms in every direction,[2] and spoke of Trevelyan's work and worries as follows:

"The noble Lord opposite (Lord Stanley) did an excellent thing. He did honour to himself by appointing a man of a new

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[1] G.Os. No. 441, Public, dated 26th March 1860; No. 616, Public, dated 27th April 1860; No. 670, Public, dated 5th May 1860 and No. 671, Public, dated 5th May 1860.

[2] Speeches by John Bright, 1868, Vol. I, pages 85-111.

sort as Governor of Madras. I have not much acquaintance with Sir C. Trevelyan, but I believe him to be a very intelligent man and very earnest for the good of India. But he finds that at Madras he is like a man who is manacled, as all the Governors are. He is able to do almost nothing. But he has a spirit above being the passive instrument for doing nothing in the hands of the Governor-General, and he has been disposed to make several changes which have looked exceedingly heterodox to those who are connected with the old Government of India, and which have shocked the nerves of the fifteen old gentlemen who meet in Leadenhall street, and their brethren in India. I find that among the changes endeavoured to be effected by Sir C. Trevelyan, the following are enumerated: He has endeavoured to conciliate the natives by abolishing certain ceremonial distinctions which were supposed to degrade them when visiting the Government House; he has shown that personal courtesy to them which appears to be too much neglected in India; he has conspicuously rewarded those who have rendered services to the State; he has made one of the natives his Aide-de-camp; he has endeavoured to improve the land tenure, to effect a settlement of the inam and to abolish the impress of cattle and carts. He has also abolished three-fourths, or perhaps more, of the paper work of the public servants. He also began the great task of Judicial reform, than which none is more urgently pressing. But what is said of Sir C. Trevelyan for instituting these reforms? He has raised a hornet's nest about him. Those who surround the Governor-General at Calcutta say, 'We might as well have the Governors of the Presidencies independent, if they are to do as they like without consulting the Governor-General as has been done in past times'[1] . . . At present all the Governors are in fetters; and I see that blame has been imputed to Sir Charles Trevelyan for endeavouring to break through these fetters. No doubt an attempt will be made to have him recalled, but I hope that the Right Hon Gentleman, while he moderates the ardour of the Governor so far as to prevent a rebellion among civilians, will support him honestly and faithfully in all those changes which the Right Hon. Gentleman knows as well as I do are essential to the improvement of the government of that country."[2]

But Bright's words were unheeded. Trevelyan very soon came into a clash with the Government of India. None of the arguments urged by him against the new taxes carried conviction with Mr. Wilson. Mr. Wilson proceeded unconcerned with his proposals. In February 1860, he placed before the Indian Legislative Council a Financial Statement and invited the freest public discussion upon it. The main features of this statement were: (1) an Income-tax of 2 per cent on all annual incomes between Rs. 200 and Rs. 500 and of 4 per cent on all annual incomes above Rs. 500; (2) a Licence Tax (Professional Tax) on trades of every class, ranging from Re. 1

[1] Speeches by John Bright, 1868, Vol. I, pages 98–100.
[2] *Idem*, pages 105–106.

to Rs. 10 depending upon the nature of the trade; and (3) an Excise Tax on home-grown tobacco. These taxes were to be coincident and cumulative so that a person who paid income-tax would also pay a licence tax and a tobacco tax.[1]

Immediately on receipt of this information, Trevelyan and his Council sent a telegraphic protest against these measures. They insisted that the usual period of three months prescribed for the consideration of all projects of law before the Legislative Council should be allowed in this case—and not curtailed as there was reason to believe—so that these important measures might be fully considered. The reply from the Government of India was a rebuke for having sent the message by open telegraph. They announced their determination to impose the three taxes on their own responsibility and also to reduce the period for consideration from three months to one month.[2] This was too much for Trevelyan. His object in insisting upon the usual period of three months was to bring the whole matter before the Secretary of State and to obtain his orders on measures which so vitally touched the welfare of the people. But now, the Government of India, he found, were bent on defeating this all-important object. There was no time to lose. Every moment was precious. He had to decide quickly the course to pursue. And he decided that the only way by which he could gain his object was by publishing all his Minutes and the Minutes of his colleagues upon the proposed taxes. He realized that this was a desperate remedy involving serious consequences to himself, but he boldly applied this only remedy, published all the Minutes, taking the full responsibility for this act upon himself.

This is how he justified his action : " There now remained only one mode of obtaining the required delay, which was to make the objections of the Madras Government public. This, I knew, would render a reference Home necessary; and, although the consequences to me might be serious, measures deeply affecting the people committed to my charge, and involving the interests and honour of the whole Empire, would not be passed with a precipitation totally inconsistent with real deliberation. I have never heard any other means suggested by which the same end could have been attained. Only a few weeks remained; and unless the President and Council could be induced to pause, the Bills would have become law before it would have been possible for the Home Government to interfere."[3]

This extraordinary step came as a surprise to most of his colleagues in Council schooled in the traditional discipline of the service. Sir Patrick Grant alone among his colleagues admired and approved his action. The rest became apprehensive and began to recede.[4] But, although they did not approve this step, they approved

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[1] Statement of Trevelyan regarding his recall, 1860, page 19.
[2] *Idem*, pages 23-24.
[3] Statement of Trevelyan regarding his recall, 1860, page 24.
[4] G.O. No. 514. Public, dated 5th April 1860.

another step, which he urged, of sending the Minutes to Mr. Forbes, the Madras Member of the Legislative Council, requiring him to place them on the Council table, so that they might be printed and published, and directing him to advocate and illustrate them to the Council to the utmost of his power.[1] But here also Trevelyan's attempt was frustrated. Before Mr. Forbes could carry out his instructions, the Government of India came to know them and peremptorily ordered him not to carry them out in the name of the Queen's Service.[2] Finding, however, that Mr. Forbes had made a partial circulation of the Minutes, they resolved to communicate their contents confidentially to all the Members of the Legislative Council upon the express understanding that they should not make it public that the Government of Madras were opposed to the taxes.[3] At the same time they cut down the period for consideration of the Bills from one month to three weeks and rebuked Trevelyan once more for having sent instructions to Mr. Forbes and published the Minutes in Madras.[4]

Trevelyan saw in this a deliberate attempt to preserve a show of unanimity where there was none and a deliberate evasion of all free discussion where it was so ostentatiously invited. He felt that this high-handed suppression of opinions of the Provincial Government was extremely unjust and improper. It ignored their right to influence the administration specially committed to their charge. It flouted their responsibilities. It reduced their authority to a cipher in matters so vitally concerning the welfare of the people. And it compelled them to adopt measures which they conscientiously distrusted and abhorred.[5] After all, he merely wanted that such grave measures should be considered by the Secretary of State before they were actually adopted. He could not understand why the Government of India should object to his legitimate demand. He therefore sent all the Minutes and correspondence to the Secretary of State.

Meanwhile, the publication of the Minutes began to produce their desired effect. Lord Canning (the Governor-General) thought it safe to consult the Secretary of State before passing the Bills into law. This allowed time for a mature consideration of the subject and a real public discussion was secured as a result of which Mr. Wilson's measures underwent considerable changes. The Tobacco Tax was dropped, the dealer in tobacco being included in the Professional Tax. The Professional Tax was converted into a supplement to the Income-tax by confining it to those who were not liable to Income-tax. The three taxes were thus fused into one, i.e., the Income-tax, and double taxation was avoided. At the same time special instructions were issued to assess and collect the Income-tax in a very lenient manner.[6]

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1 G.O. No. 515, Public, dated 5th April 1860.
2 G.O. No. 571, Public, dated 19th April 1860.
3 G.O. No. 572, Public, dated 19th April 1860.
4 *Idem*; Statement of Trevelyan, 1860, page 24.
5 G.Os. No. 572, Public, dated 19th April 1860 and No. 725, Public, dated 16th May 1860.
6 Statement of Trevelyan, 1860, pages 29–31.

Trevelyan no doubt thus eventually succeeded in securing the intervention of the Secretary of State and in effecting several useful changes in Mr. Wilson's proposals. But this success cost him his Governorship. The Government of India, as was to be expected, could not, and in fact did not, allow his unconstitutional procedure to go unchallenged. Nor could Sir Charles Wood, who saw in this procedure an act of indiscipline, allow it to go unpunished. He deprecated the despatch of the open telegram,[1] as well as the publication of the Minutes.[2] He thought that such acts, if ignored, would undermine the authority of the Government of India and therefore he felt himself bound to remove him from office. He accordingly removed him from office by a Despatch, dated 10th May 1860[3], but at the same time expressed his high appreciation of his services in a special Despatch dated the same day as follows:

"In my Despatch No. 23 of this date, I have communicated to you the reasons for which Her Majesty's Government have been compelled to take the painful step of removing Sir Charles Trevelyan from his appointment as Governor of Fort St. George. Her Majesty's Government desire at the same time to place upon record their high appreciation of the services which Sir Charles Trevelyan has rendered during his administration. They have observed with great satisfaction the careful attention which he has given to the numerous questions of importance, which have been brought under the notice of your Government during this period. His observations upon the condition of the districts of your Presidency which he has visited show that his constant aim has been to raise the moral condition and to increase the material prosperity of the people. No servant of the Crown has more earnestly endeavoured to carry out the great principles of Government, which were promulgated to the princes and people of India in Her Majesty's Gracious Proclamation. For these valuable services the thanks of Her Majesty's Government are due to Sir Charles Trevelyan."[4]

Trevelyan's recall at once occasioned much discussion in and out of Parliament. On 11th May 1860, a long debate took place in Parliament. Palmerstone defending the recall said: "Undoubtedly it conveys a strong censure on one act of Sir Charles Trevelyan's public conduct, yet Sir Charles Trevelyan has merits too inherent in his character to be clouded and overshadowed by this simple act and I trust in his future career he may be useful to the public service and do honor to himself." Sir Charles Wood observed: "A more honest, zealous, upright, independent servant could not be. He was a loss to India, but there would be danger if he were allowed to remain after having adopted a course so subversive of all authority, so fearfully tending to endanger our rule and so likely to provoke the people to insurrection against the central and responsible authority."[5]

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[1] G.O. No. 795. Public, dated 31st May 1860.
[2] G.O. No. 840, Public, dated 8th June 1860.
[3] *Idem.*
[4] *Idem.*
[5] Dictionary of National Biography, Vol. XIX, page 1136.

But it was in India that his recall was most keenly felt. In Madras people of all classes and creeds, Europeans and Indians, officials and non-officials, in fact the whole public, expressed strong sentiments of grief at his departure. It is doubtful whether the departure of any Governor had evoked so much sincere regret and a sense of sad loss among the people as the departure of Trevelyan. The most touching addresses were presented to him by the European Community, the Catholic Community, the Anglo-Indian Community, the Muslim Community, the Hindu Community, the Madras Infantry Volunteer Guards[1] and the Members of the Inam Commission.[2] Similar addresses were presented to him also from several associations in the districts and even from associations outside the Province, such as the British Indian Association, Calcutta, and from the Bombay Association.[3] No one can read these addresses without admiring the extraordinary respect and love with which he was regarded by everybody. But it is not these addresses so much as the replies which he gave them, that reveal the greatness and nobility of the man. No better impression of all this can be conveyed than by quoting a few passages from some of the addresses and his replies.

The European Community, in its address signed by more than 500 persons, after expressing deep appreciation of his unwearied activity and the energy with which he had, in a very short time, invigorated every department of the Government and obtained a complete mastery of all important questions of public interest and, after recounting the various reforms he had introduced, especially for the benefit of Indians, observed: "They [Indians] regard you as emphatically their friend; they have recognized in you a ruler who has shown himself by many substantial proofs determined to govern on the eternal principles of justice, having no respect of persons and regarding neither creed nor colour and we have reason to know that they look on your departure with sorrow . . . We gladly record our belief that in all matters, whether wholly public or involving private interests, you have acted with a single-minded view to the interests of the public service and that the most active and able public officers, whether European or native, are precisely those who are most ready to testify that your generous and prompt recognition of their services and the full and ample support they have ever received from you have encouraged them and stimulated them to increased exertions. Your frank and kindly personal manner to all classes and your large and liberal hospitality both as Governor and in your individual capacity would alone suffice to make your loss deeply felt by Madras Society."[4] To this he replied: "In reply to one of the addresses

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1 Addresses to Trevelyan and Replies thereto, 1860.

2 Addresses from the Inam Commission, Bombay Association, British Indian Association, etc.

3 *Idem.*

4 Addresses to Trevelyan and Replies thereto, 1860, pages 1–4.

presented to me on my arrival I said, 'I do not profess to inaugurate a reforming administration. My object will rather be to fulfil all the duties of Government in a faithful and painstaking manner; and needful reforms will then come under consideration in a natural, safe and wholesome order.' If I have had some success, it is because I have endeavoured to act upon this rule; and because my reliance on the patriotic and public-spirited co-operation of all classes of the community, European and native (without which, I said, my utmost efforts would be of no avail), has not been disappointed."

The Catholic Community, in its address signed by more than 1,000 persons, after referring to the various reforms he had effected and, in particular, to the abolition of the oppressive system of impressment of carts and cattle, remarked: "Perhaps we should here return our thanks to Your Excellency for the just, considerate and equal spirit in which you met the claims and representations of all classes subject to your authority and for your kindness and affability to all whose business brought them into direct personal communications with Your Excellency . . . Passing over more important matters we may be permitted to refer to two acts, trivial, perhaps, in themselves, but for which the Catholics of Madras felt and feel very grateful; the first is the invitation to the *fete* given by Your Excellency shortly after your arrival, which invitation was extended to the children of the Catholic Orphanages as well as to those of other institutions; the other is the support extended by Your Excellency to our Orphanages when you were pleased to inscribe your name at the top of the subscription list. Your Excellency, although not the first Governor applied to, was the first Governor who did not think it improper to assist in maintaining poor orphan children because they were Catholics."[1] In reply to this he said: "I was entirely unconscious of conferring any favour by mere equality of treatment. Catholics were put upon the same footing with their Protestant fellow subjects when I was a boy; and of all countries India is the last in which the former unhappy divisions should be renewed. There is work for every labourer in Christ's vineyard here."[2]

The East India Community, in its address signed by nearly 1,500 persons, dwelt on the great regard which he had shown to them in various matters and continued: "Almost the day after you had landed on these shores and assumed the reins of Government, we met you in the Banqueting Hall in the presence of our citizen soldiers when they presented their farewell address to their retiring Governor, Lord Harris, and heard the flattering testimony borne by Your Excellency to the intelligence and worth of our brethren whom you had worked with in Bengal and her Northern Provinces. Which one of our hearts did not throb with proud delight when you referred to the gallant Skinner and acknowledged

[1] Addresses to Trevelyan and Replies thereto, 1860, pages 7–12.
[2] *Idem*, page 14.

that, although his face was dark, there beat within his breast as brave a heart as that of any Englishman? . . . We have fairly participated in the dispensation of your patronage . . . By a further liberal modification of the former rules, you threw open Government House to many of us, who were hitherto denied the privilege of admission; thus causing an admixture of society which must necessarily elevate the middle and induce kindly feelings in the hearts of the upper classes . . . You have elevated the social position of many of our countrymen. By respecting us you have taught us to respect ourselves; and by giving us credit for qualities the possession of which we were previously denied, you have evolved virtues which perhaps had hitherto been only latent . . . Then again the orphans of this town, chiefly East Indian, have enjoyed your hospitality; and to your exertion is owing the grant of a regular monthly income to the Friend-in-Need Society . . . . Great and bitter, therefore, is our disappointment, to find that you suddenly cease to be our ruler . . . . But the name of Trevelyan is enshrined in our hearts; it will be handed down with honour to our children. History will no doubt record the enlightened views of the Statesman who recently ruled Madras and future generations will admire the greatness and exalted virtue of the man who sacrificed his temporal position in the cause of the people."[1] To this sincere outburst of feelings his reply was characteristic: "Gentlemen, I have treated you with no peculiar favour. I have only acted towards the East Indians as I have towards all other classes of Her Majesty's subjects in this Presidency. The effect produced is entirely due to the admirable principle of equality embodied in the Indian Charter of Rights, the Proclamation issued by Her Majesty on her assumption of the direct administration of these realms. The assurance of even-handed justice inspires general confidence, general hope, general exertion to win the public and social distinctions which thus become the reward of superior qualification and merit without any interposing barrier . . . My advice to you, therefore, as representing the East Indian body, is, that you should cultivate the virtues of a middle class. Great regularity and respectability of public life, self-relying, persevering industry, consistent frugality—without which there can be no independence of character—are the qualities which have made that class in several respects the most important in our English body politic. Despise no honest handicraft. Chantrey, Cubbit, Paxton, Stephenson and many other distinguished men whom I could not name, began by working with their hands. At the same time, those who have the opportunity should endeavour to qualify themselves for the highest employments."[2]

The Muslim Community presented two addresses signed by more than 2,000 persons.[3] It said: "We in common with our

[1] Addresses to Trevelyan and Replies thereto, 1860, pages 21–24.
[2] *Idem*, pages 24–26.
[3] *Idem*, pages 15–16 and 35–36.

fellow citizen of other creeds and races, have been participators of good resulting from that benevolent regard which had an equal eye for the interests of all. But we have also reason to be specially thankful to Your Excellency . . . . . , . . We desire to point to a few facts which have called for our special gratitude, viz., your treatment of us, the great interest you took in the Madrasa, and your endeavours to promote the study of Hindustani language. We do not recollect any of your predecessors to have shown that courtesy to us, on our own soil, which you have ever shown since your arrival, to the relatives of the Nawab of the Carnatic. Indeed, it is notorious that we always refrained from presenting ourselves at Government House, because we did not receive that treatment which was due to our birth and position. But no sooner did you arrive in India, than a change came over the spirit of official etiquette; and in that Hall, which had not, for many a year, been willingly entered by the descendants of Wallajah, assembled hundreds of the society of Madras, who witnessed the cordial, polite, and considerate welcome which that Royal house received at the hands of the great Statesman who so worthily represented the Majesty of Britain . . . . We are a fallen people; we were once the rulers of this land, but for many years we have been subjected to indifference and neglect; under your rule, however, our hopes revived, not, it is true, of reobtaining our ancient possession, but of rising in the scale of social civilization.'[1] He replied: " In treating the old nobility of the country with the respect due to their position, and in doing all the good I could to persons of every class and rank, I have merely fulfilled the well-known and solemnly declared intentions of the Gracious Sovereign. To have resumed the use of Hindustani and to have assisted in the publication of books in that language has been a labour of love to me. Some of the brightest years of my life, in the flower of my age, were spent in social intercourse with chiefs and people in that part of India where that language is spoken in the greatest purity . . . . . I desire that you should again take an active part in the administration of the affairs of your native country . . . . . This country is abundantly blessed in its natural resources, and the utmost efforts of all the races and creeds inhabiting it, are required to make it what it ought to be . . . Impress upon your youth that they must work if they will eat. Point out to them the dignity of labour and the disgrace of idleness. Tell them that everyone's destiny is in his own hands; that by hard study and careful attention to conduct, they may almost make themselves what they like; and that amidst the various chances and changes of life, the cases are rare in which men have not some opportunity of exercising with advantage the talents which they possess. Let them, therefore, make the most of the golden season of youth, and prepare themselves for whatever may offer to them in after-years."[2]

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1 Addresses to Trevelyan and Replies thereto, 1860, pages 35–36.
2 Addresses to Trevelyan and Replies thereto, 1860, pages 37–38.

The Hindu Community, in its address signed by more than 7,500 persons, referred with gratitude to the various reforms he had undertaken and expressed the cruel frustration of political ambitions he had aroused in them thus: "We had also hoped to have seen under your wise and liberal administration the introduction of a Representative Government, founded upon the principle obtaining in the Colonial Settlements, which, like Madras, are under the direct control of Her Majesty Queen Victoria. Although this hope has now been blasted by your approaching departure for your native land, yet we trust that you will, at no distant period, return to Madras, as the head of this Government, and carry out all those schemes of reform which you intended to introduce and of which we have been so unfortunately deprived."[1] For the early realization of this noble aspiration he gave the most wholesome advice. He replied: "You say that you had hoped to have seen under my administration the introduction of a Representative Government founded upon the principle obtaining in the Colonial Settlements . . . . My answer is—Qualify yourselves for representative institutions and they will be sure to come in good time. You are united, under the common protection of the British Crown, with a free people, who have never grudged to others a participation in the political advantages which they themselves enjoy. The delay is on your part. Cultivate the literature of England which is instinct with the spirit of self-government. Learn by our example how to work representative institutions, for this is by no means an easy task, and several famous nations have failed in the attempt. Above all things, strive to attain to a high moral standard. Public morality, without which national self-government is impossible, is only the aggregate of each man's individual character. Truth, justice, scrupulous fidelity to engagements, habitual preference of public to private interests, are the qualities which elevate a nation and enable it to conduct its affairs with advantage."[2]

The address presented by the general public of Madras and signed by more than 8,500 persons gave a great tribute to his services. It said: "We cannot permit you to leave our shores without declaring our belief that your departure is a public calamity, a heavy blow and discouragement to us. It was universally felt that Madras, long the most neglected of the three Presidencies, was about to enter, under your guidance, on a career that would ere long, with God's blessing, have placed her on the same level with the most advanced and favoured part of this great Empire. Every department of the public service felt the invigorating influence of your presence, profited by your experience and knowledge, and was stimulated by the example of your unwearied diligence and devotion to the public weal. We thank you for your unvarying kindness and courtesy to men of all classes, creeds and races . . . It is a matter of deep regret to us that at this peculiarly important juncture, when old things are passing away and many important

[1] Addresses to Trevelyan and Replies thereto, 1860, page 17-B.
[2] *Idem*, pages 19–20.

reforms are pending, India should lose the benefit of your great powers and tried experience in public affairs."[1] To this he gave a touching reply: "The address you have presented to me on behalf of all classes of Her Majesty's subjects in the Presidency Capital would have been a sufficient reward for a life of labour; and I therefore esteem myself singularly fortunate in having earned so much confidence and good-will during my fourteen months' administration of the affairs of this Presidency. The result is the more gratifying to me, and the more honourable to all concerned, because, as you well know, mine has been no neutral administration, and I have never shrunk from doing or saying anything which the public interest appeared to me to require."[2]

The addresses of the Bombay Association and the British Indian Association, Calcutta, show how remarkably within the short term of his office he had impressed people even outside his own Province. The Bombay Association expressed its "profound regret" at his recall and said: "More than any other Governor, since the time of Lord William Bentinck, under whose administration your public career commenced, have you generously identified yourself with the people whom you were sent to govern, and it may be a consolation to you, on being summoned to retire from your Government, to receive the assurance that the news of your retirement has thrown the whole native community of India into mourning. You have been found guilty of "Indiscretion" for venturing publicly to impugn the necessity, the justice, and the wisdom of the fiscal measures now under the consideration of the Legislature. We bow down to that decision, but we can never forget that, had you been less 'indiscreet', you must have loved India and your own country less . . . It would not avail to enlarge here on the energy, enlightenment, philanthropy and success by which your administration—too short for the welfare of our country—has been marked. You came amongst us understanding the character of our nation and knowing our wants; and our hopes fondly anticipated the time when the Supreme Government of the Empire would have been confided to your hands . . . You have added the name of Trevelyan to that roll of Indian Statesman which no well-informed native of this country can rehearse without emotion. To perpetuate your memory amongst us, we trust you will not deny us the gratification of possessing your likeness by consenting to sit for a full length portrait, to be hung in one of the public institutions of Bombay."[3] The British Indian Association, Calcutta, bestowed equally high praise upon his administration. The members of this association expressed their "deep and sincere feelings of regret and sorrow" at his recall and observed: "They, however, cannot allow this occasion to pass without putting on record their high sense of the ability, the enlightened and unswerving

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1 Addresses to Trevelyan and Replies thereto, 1860, pages 30–31.

2 *Idem*, pages 31–32.

3 Addresses from the Inam Commission, Bombay Association, British Indian Association, etc., pages 8–10.

spirit of justice, and the steady effort to promote the real good of the people which have distinguished the administration of Madras under Your Excellency's Government . . . The reforms which have been projected and partly completed under Your Excellency's administration will mark a memorable epoch in the history of the British rule of Madras. Whether it be the settlement of the intricate and long pending inam question . . . or the permanent settlement of the land-tax so as to remove the clogs upon the main springs of national industry; or the purification and improvement of the institutions of justice, by means of the amalgamation of the courts and enforcement of maxims of equity and justice; or the promotion of the security of person and property, by the remodelling of the police on new and improved methods; . . . or the relieving of expenditure by reductions of expenditure, hitherto considered impracticable . . . or the encouragement of a wholesome public spirit and love and respect for the constitutional forms among the servants of Government; or the establishment of municipal institutions for the purpose of training the people in the art of self-government: These are reforms and improvements which will enshrine the memory of their author's administration in the hearts of the people and earn for him the gratitude of the remotest posterity . . . . The influence of the activity and beneficial spirit which have characterized Your Excellency's administration has not been unfelt in other parts of the country . . . The members of the British Indian Association cannot also express in adequate terms the feelings of gratitude and admiration with which the people of Bengal contemplate the spirit in which Your Excellency, appreciating the gravity of the crisis, brought on by the new scheme of taxation, came forward to vindicate the rights of the Indian community and to assert the true policy of the Empire . . . Your Excellency will follow to your native shores the deep and wide feeling of sympathy and hearty good wishes of millions of Her Majesty's subjects in India . . . India certainly loses in Your Excellency one of her best and tried friends among her rulers."[1] What replies he gave to these addresses is not known; but he must have given suitable replies expressing sentiments of high nobility.

So it was that Trevelyan left the shores of Madras (on 24th June 1860)[2] disgraced by his superiors but honoured by the people of India. He did not, however, remain long under disgrace, nor did he leave India for ever. He was too great, too brilliant, a personality to be smothered by obscurity. He had still a noble career before him. Within two years of his recall he was again called by the very same Sir Charles Wood who recalled him, to go to India in order to shoulder a higher responsibility, to occupy the post of the Finance Member of the Council of India which had become vacant

[1] Addresses from the Inam Commission, Bombay Association, British Indian Association, etc., pages 10–12.

[2] Madras Almanac, 1861, page 565.

on the death of Mr. Wilson.[1] That he should have been so selected to such a post is surely a triumphant vindication of his financial policy, a policy for which he had had to sacrifice his Governorship. The hand of Fate is often inscrutable, but it was surprisingly inscrutable in the case of Trevelyan.

In a study such as this which deals mainly with Trevelyan as the Governor of Madras, it is not necessary to describe his achievements as the Finance Member of the Governor-General's Council. Nor can these achievements be described without rummaging the records of the Government of India. Suffice it perhaps therefore to say what is said of him by one of his contemporaries thus : " He was busy as ever in ferreting out abuses. His brain teemed with schemes of reform—economical, educational and philanthropic. No grass was ever likely to grow under his feet."[2] It would, indeed, appear that his tenure as Finance Member was marked by several important administrative reforms and by extensive measures for the development of the resources of India by means of public works.[3]

In 1865, he returned to England bidding good-bye for ever to India and threw himself with his usual enthusiasm into the discussion of the question of army purchase and a variety of social questions such as charities, pauperism and the like and in the treatment of these as well as in his political sympathies he retained to the last all his native energy of temperament. A staunch Liberal, he gave his support to the Liberal cause in Northumberland, while residing at Wallington House in that county. He died at 67 Eaton Square, London, on 19th June 1886. His first wife died on 5th August 1873[4] leaving an illustrious son, George Otto Trevelyan, who was to become a great writer and a leading Liberal politician ; and George Otto Trevelyan's son is no other than the brilliant historian, George Macaulay Trevelyan O.M., the author of many works of which the most well-known are those on Garibaldi. Sir Charles married secondly on 14th October 1875 Eleanor Anne, daughter of Walter Cambell of Islay.[5]

Having thus dealt with Trevelyan's career with special reference to his Governorship of Madras, an attempt may now be made to assess his character and achievements. It may be said that fourteen months is too short a period to judge the character of a man who lived eighty years. But it must be remembered that Trevelyan was no ordinary man, that he was a genius who could stamp his character and personality wherever he went, however short his stay. Now, if experience counts much in administration, abilities count more and character counts most. Trevelyan had a rare combination of all the three, and it is this that, perhaps,

1 Dictionary of National Biography, Vol. XIX, page 1136 ; Life of Lord Lawrence by Bosworth Smith, Volume II, page 295.
2 Life of Lord Lawrence by Bosworth Smith, Volume II, page 295.
3 Dictionary of National Biography, Volume XIX, page 1136.
4 *Idem.*
5 *Idem.*

constitutes the secret of his success as an administrator. A burning zeal for public welfare and an utter fearlessness in the discharge of public duties regardless of the consequences to himself; a dynamic personality radiating vigour in every direction and inspiring all that came under its influence; an eye for economy and order everywhere and a sound practical sense with a dash of idealism; an extraordinary power of observation and an uncanny ability to grasp in a trice the essentials of any problem however difficult; a brain teeming with ideas of reform and an intellect capable of carrying conviction in a language at once powerful and clear—these are the hall-marks of his greatness. To these, however, must be added some softer qualities; suave manners, amiability, a regard and sympathy for all, and a great sincerity of purpose, qualities which made him not only admired but also loved by all who came into contact with him.

His experience and abilities enabled him to master the details of the various branches of administration. The tribute paid him by Disraeli that he was one of "the masters of administration" is more than amply justified by the several administrative reforms which he introduced in Madras. The ease with which he grasped the intricacies of the inam question and evolved a scheme so just and simple, the ability with which he handled and settled complicated matters relating to the police, the public works, the army and the land revenue reforms are but a few examples of his mastery in administration. He reorganized every department on a sound footing, seeing at a glance where the defects lay and applying to them the most appropriate remedies. Nothing, however trivial, escaped his notice and nothing, however great, baffled his genius. He always made a careful study of all questions of importance and reasoned out his case in words so compelling that it never failed to carry conviction with his colleagues in Council. In fact, in almost every case, he came out with a correct solution to the surprise of tried administrators and the admiration of the people. There was nothing which he touched that he did not improve. And everything he wrote, he wrote in a style befitting the subject. While in his Minutes on administrative questions he showed a remarkable vigour and fertility, in his lighter writings, such as his description of the Palni Hills, he revealed a charming felicity of expression. And the man who wrote thus was also the man who could, in his public speeches, clothe great ideas in a language which was so simple and direct that it appealed to everyone.

Nor was this all. An apostle of efficiency in public service, he adopted merit and merit alone as the criterion for public employment. He never tolerated inefficiency; he removed the inefficient officers without compunction and rewarded the efficient with every mark of approbation. An able financier alive to the value of economy in all branches of administration, he devised an effective check upon finances and pruned all unnecessary expenditure. No better illustration of his solicitude for economy can be given

than his introduction of the budget system in all departments, his reductions in the army and his revision of the Revenue establishments. But, while he insisted on economy in all matters, he raised, wherever necessary, the salaries of all officers from top to bottom, believing, as he did, that the contentment of public servants is alone the best guarantee for efficiency and the best safeguard against corruption. Above all, he infused among all officers a vigour and energy unknown before and drove them on, now with encouragement, now with advice, but always with sympathy and understanding.

But mere administrative experience and abilities would not have made him a successful and popular administrator. A "stormy reformer," as Macaulay described him, he had in all his schemes of reform the welfare of the people at heart. By his abolition of the impressment of carts and cattle, he removed oppression and gave a great fillip to trade and commerce. By his Inam Settlement he conferred fixity of tenure on thousands of inamdars and converted their lands into valuable properties. By his reorganization of the police he rendered life and property safe everywhere. By his disbandment of wasteful military levies he diverted a large number of persons to productive labour on the land and in the industries. And by his creation of public parks, schools, libraries, hospitals, etc., he endeavoured to banish squalor and misery. Moreover, he cherished certain ideals far in advance of his times for the happiness and prosperity of the people. He contemplated a scheme of education harmoniously combining a study of English as well as Indian languages and aimed at making both men and women useful members of society. He visualized the extensive establishment of popular municipal institutions to improve water-supply, drainage, roads and sanitation. And, finally, he envisaged local autonomy as the only solution for a proper administration of the Provinces.

With all this zeal for reforms it was only natural that he sometimes found himself pitted against powerful forces. And on these occasions he exhibited a tenacity and a courage which marked him out as a champion of just causes. It was this zeal which even at twenty-one brought forth that courage, which, in the face of much obloquy of his own countrymen, exposed the corruption of his own superior officer, secured his dismissal and won for him the praise of Bentinck. It was this zeal which prompted him, even amidst a storm of opposition of highly-placed politicians interested in maintaining the right of patronage, to urge open competition as the only passport to entry into the Home Civil Service, which drove him almost to the verge of ruin but eventually carried him triumphant over all his adversaries. It was again this zeal which brought him into clash with the Government of India, which impelled him to publish his opinions against what he considered as the most unsound taxation policy of that Government and which sent him Home in disgrace, only to send him out again

with all honours to occupy the elevated post of the Finance Member of the Council of India. It is possible to construe this last act as an act of indiscipline calculated to undermine the authority of the Central Government. It is equally possible to view this act as the last refuge left to a great well-wisher of the people who found all his attempts to convince by sound arguments frustrated by the hasty and ill-considered decisions of the higher authorities. But whatever that may be, it is not possible to question the sincerity of purpose behind this act, a sincerity which evoked universal sympathy of all Indians. At all events, these three acts of his public career show, in a remarkable degree, how high ideals for public welfare, when sincerely and fearlessly pursued, are always in the end bound to achieve success notwithstanding all the forces arrayed against them. No wonder that all classes of people admired him and regarded him as their champion.

But the people did even more; they loved him and looked upon him as their friend. And this was because he had certain unique qualities which could not fail to endear him to all those who came to know him. His simple and unassuming manners, his frank and free intercourse with the high and low, his kind and courteous treatment of all, irrespective of caste, creed or colour, all these which invariably characterized his Darbars, public functions, inspections and tours, won for him the hearts of the people. There never perhaps was a more popular Governor since the days of Munro and Bentinck. Everyone liked him and loved him. Everyone whole-heartedly co-operated with him in all the measures that he introduced. And at that last moment in his hour of tribulation, even when he had fallen under the Queen's displeasure, everyone came forward and deeply sympathized with him and expressed a keen sense of sorrow at his departure.

THE IMPORTANCE OF ARCHIVES FOR NATIONAL RECONSTRUCTION.

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The value of archives for national planning and reconstruction is not sufficiently realized. Most of the States do not possess any organized archives and some that do possess such archives cannot be said to utilise them to the fullest extent possible or necessary. And yet, there can be no doubt that the very object with which the archives are preserved is to make them readily available for assisting administration. Nor can there be any doubt that the archives, recording as they do, all the achievements and aspirations of past governments, contain a mine of information on all sorts of administrative, economic and social schemes for reform. In them are treasured up the most considered views and ideas of the most experienced statesmen, administrators and legislators of the past on a variety of vital matters of public interest. Here are to be found all files containing the reports of the Special Officers, Committees, Heads of Departments, and the remarks, opinions and orders of the Government. Here also are to be found all files containing the comments and criticisms made in the press and on the platform, and the discussions and resolutions of the Legislature. Several of these files are still of interest inasmuch as they relate to matters which are still agitating the minds of men. This is indeed but natural, since most of the problems of the present have been inherited from the past.

My own acquaintance with the Madras archives has convinced me that there is practically no current subject of importance upon which some valuable light is not thrown by the archives. Thus, for instance, there is in the Madras archives an abundance of material on the abolition of the Zamindari system, on tenancy reforms, on irrigation schemes, on the separation of the judiciary from the executive, on the reforms in civil and criminal law, on the existence of hitherto untapped minerals like lead, silver, copper, iron, lignite, etc., on the development of large and small scale industries, on the revival of fine arts, cottage industries, and on several matters connected with local self-government, public health, education, medical aid, co-operation, labour conditions, unemployment, famine, etc.

Other archives also, like the Madras archives, are bound to contain much useful material for national reconstruction. And the utility of archives from this standpoint lies not so much in their showing what the reformers of the past actually achieved as in their showing what those reformers endeavoured to do or thought could be done under circumstances more propitious than their own. Many proposals for reform which are still of living interest

might have been fully considered in the past, and yet only a few of them might have been implemented, and that too partially, the rest having been postponed for future consideration or better times. Many might have been propounded by statesmen and administrators far in advance of their times. Many, again, might have been scotched or killed for some reason or other; it might have been the interests of the governing classes, it might have been powerful vested interests, or it might have been want of funds or lack of proper facilities. It is up to the archivists to suggest ways by which all this valuable information can be made readily available to our statesmen and administrators.

Wherever the archives are properly organized, the administrators, of course, make use of them for carrying on the day-to-day administration. The degree to which this use is made, however, varies from State to State. In Madras considerable use is made of the archives. The Madras Record Office sends out annually on requisition to the various departments of the Secretariat and other offices about 35,000 records for reference and consultation. It also undertakes about 800 searches on intricate or difficult questions annually. It moreover supplies full notes based on a study of records on all important matters of policy and reform referred to it by the Government. But it does not appear that the same is true in the case of all other archives; and even if it is true, I think that it is possible to make a fuller use of the archives.

This fuller use, however, can be made only if the Governments become fully conscious of the importance of archives. But this is not so easy. In an age of democracy, of intense administrative and legislative activity, it is but natural that our statesmen who constitute the Government should be too much engrossed by the present to think of the past. They have to consider hundreds of changes and reforms demanded by the clamorous public. They are, therefore, apt to hurry through things; they are apt to see the various ills with which the State is beset and are apt to set about immediately to prescribe remedies. If they pause to think, they do so only with a view to ascertaining what their contemporaries, whether experts or committees in this or other countries, have to say. In fact, it would appear that in most cases they are not aware of the importance of the archives. All this should be changed. They should not forget that the archives are primarily preserved for their use and that they contain innumerable valuable suggestions for reform and reconstruction.

Administrators likewise sometimes seem to think that the past can have nothing to offer to the present generation which is much more advanced in every way. This assumption, as I have already shown, is utterly erroneous. It does not take into account the fact that every age is capable of producing sincere reformers and good administrators. The present has no more the monopoly of such men than the past or the future. This assumption should therefore be condemned wherever it crops up and a broad general

outlook developed by the administrators. They should be anxious to welcome and consider all suggestions for change and reform which the archives have to offer.

Every time, therefore, an important change or reform is contemplated, the Government should make it a point to ask their archivist to furnish all available information bearing upon the subject. The archivist should then collect this information, and incorporate it in a clear, comprehensive note for the use of the Government. Only if the information collected is insufficient, should the Government go in for Special Officers or Committees. If this procedure is adopted, a good deal of time, labour and expense can be saved.

Where in view of the great importance of the subject the Government consider it necessary straightaway to appoint a Special Officer, Committee or Commission, they should lay down that such an Officer, Committee or Commission, should obtain all available materials bearing on the subject from the archives through the archivist and give it due weight in formulating proposals. The archivist should trace and collect all the relevant information and submit it in the shape of notes. All this would enable the Government to possess full information before passing final orders.

I am aware that conservative opinion confines the duties of the archivist mainly to the physical and moral defence of the archives and permits him little scope for assisting either historical research or administration. I, however, do not agree in this opinion. I admit that matters like housing, safe custody, preservation, classification and arrangement should occupy much of his attention. But these are not his only duties. I consider that he should devote equal attention to fulfilling the needs of administrators which is the chief object with which the archives are preserved and looked after. I have shown elsewhere how the administrators left to themselves are not in a position to make proper use of the archives. Their memories are short and their means insufficient for collecting all the required information from the huge collections of archives. The archivist is the only person best acquainted with all the different series of records; he has his catalogues and indexes, which cover a long period of years and show at once what information is required, where it is available and in what series. He is the most competent person to trace, collect, study and furnish readily all the available information, in a proper, digestible form to the administrators. If he does not do this work, no one else will do it. He may require some assistance, but that should be given ungrudgingly. It is because this branch of his duty is neglected in many places that the archives too remain neglected. It may, however, be noted that he can assist the Government in this manner only where the archives have been more or less properly organized.

Nor is this all. The Government of India can go a step further and award research scholarships on important selected subjects to be studied with the aid of archives. The subjects selected pertaining to history, economics or politics should invariably be those that have a direct bearing on current administrative problems such as tenancy reforms, unemployment, labour questions, etc. It should be possible at any given time to suggest more than a score of subjects of this nature seeing that in these days of the Welfare State the Governments have to deal with numerous problems of reform and reconstruction. By this method it should be possible to produce within a few years a number of studies of living interest on various administrative, economic and social topics.

The universities too can co-operate in this matter and suggest every year several subjects of current interest for theses for the higher degrees. It is a pity that historical research in India has not yet stepped out of the theatre of wars and diplomacy and taken its place in the building of a Welfare State. So long as history remains purely political, it loses much of its value, but as soon as it becomes administrative, economic or social it gains at once in importance. And here we may also observe that the days of general history, whether political, economic or social, are passing away; what is wanted at present are detailed studies or monographs on specific topics, movements and ideas that vitally affect the life of the country. And these detailed studies can be brought out best only with the aid of archives.

It is needless to say that, if these suggestions are accepted, a vast amount of material of the utmost value for national reconstruction can be resurrected from the archives and made available in a clear, concise and handy form to the statesmen and administrators. The archivists' notes, the studies sponsored by the Government of India and the theses produced by the universities would throw a flood of light on many pressing problems of the day. They would furnish the Government of India and the State Governments with ideas, opinions, suggestions and schemes for reforms. They would, at the same time, by bringing out all past objections, tend to eliminate all wild, impracticable schemes and suggestions. This sobering effect which the archives are likely to produce would perhaps be not a little welcome in these days of boundless enthusiasm.

It is, however, well to remember that, unless it is clearly demonstrated in a sufficiently large number of cases that the archives are of considerable importance in building up a strong, stable and contented State, no Government will pay them as much attention as they deserve. But the moment this is shown, their obscurity will vanish and they will come to play a very useful part in national reconstruction and, in return, receive handsome treatment at the hands of the public and the Governments.

ERRATA.

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